



Draft Bridging Island Plan

Post-consultation report

Part 3: Minister's statement responses



ISLAND PLAN
REVIEW



Government of
JERSEY

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 01 - Population and basis of a Bridging Island Plan

Relevant policies

N/A

Summary of representations received

A number of representations have raised the issue of population growth including the need for an effective population policy and questions as to whether or not it is appropriate to be producing an Island Plan whilst there is such uncertainty around population growth and an absence of Census data.

Minister's detailed comments

The Minister is required, by law, to present a new Island Plan to the States Assembly within 10-years of the previous Island Plan being adopted. The Minister presented the draft Bridging Island Plan to the States on 19 April 2021, in time for the maturing of the 10-year specified period of the 2011 Island Plan (29 June 2021).

The uncertainty caused by both the Coronavirus pandemic and the recent Brexit transition make it harder to plan for the future. Normally, the Island Plan would provide a ten-year planning framework, but because many issues – particularly around population change and future economic outlook – are uncertain at present, this Island Plan covers a shorter three-year plan period, 2022-2025. After this period a new longer-term plan will be put in place. The basis and justification for the Bridging Island Plan is explained in the introduction to the draft Bridging Island Plan, and also in the Preferred Strategy report published in 2020.

The Bridging Island Plan provides a unique opportunity to bring forward policies to address known challenges in ways that are attuned to the post-pandemic response and recovery period, and to prepare strong, ambitious foundations for the island's next long-term plan, from 2025. The timing of the Bridging Island Plan means that the development of the longer-term Island Plan can take into consideration major new evidence and policy, which does not yet exist.

Perhaps the key policy issue this relates to is population. Controlling population growth is a longstanding problem for Jersey, and an issue which has been very difficult to resolve. This was a key issue before the pandemic and Brexit, and both of these factors have meant even greater uncertainty as to what the future population of Jersey might look like. This, coupled with an aged Census, has meant that the draft Bridging Island Plan has needed to make a reasonable assumption about population change over the plan-period. The approach to developing this planning assumption, and the factors that were taken into consideration are clearly explained in the Minister's Preferred Strategy Report¹, and in the introduction to the Draft Bridging Island Plan².

It is essential that the Island Plan makes adequate provision to meet both the needs of the community – that being the community here today, and the community we expect to be here over

¹ See P. 9-20 [Island Plan Review – Preferred Strategy Report \(2020\)](#)

² See P.17-22 [Draft Bridging Island Plan \(2021\)](#)

the course of the plan period. It is not for the Island Plan to determine the shape or size of that community. The Minister notes and generally agrees all the arguments raised to the importance of effective population and migration controls, but considers that it is not the role, *or vires*, of a land use plan to establish that control.

The long-term sustainability of the island's resources are, without doubt, dependent upon sustainable population change. A recent in committee debate in the States Assembly sought to highlight some of these issues, including the impact upon public services and utilities, housing, education and health, pensions, and public finances³. Work to develop a population policy, having regard to the complex considerations of sustainability is continuing, with a proposed policy expected to be published by the end of 2021. The publication of Jersey's 2021 Census findings is due in Spring 2022.⁴

The draft Bridging Island Plan specifically includes strategic proposals which will respond to the Census findings and population policy. The development of a long-term planning assumption for Jersey, and an infrastructure roadmap will be key to ensure that the development of the subsequent, long-term Island Plan can appropriately respond to the needs of the community, further into the future than what is possible at this time in the Bridging Island Plan.

Minister's recommendation

The Minister recommends that the inspector considers the principle of pursuing a Bridging Island Plan and in that context, also the approach taken and assumptions made in the development of a planning assumption.

Minister's intention

The Minister does **not intend** to make any changes in relation to the principle of a Bridging Plan, or the planning assumption upon which the plan has been based.

³ [Developing a common population policy: in committee debate R.41/2021](#)

⁴ It is of note that the 10-year Census cycle has historically been out of sync with the development of Island Plans. Whilst it remains out of sync with the Bridging Island Plan, the existence of a short-term plan means that the development of the subsequent plan will become helpfully aligned with an up-to-date census.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR02 - Demand for residential and nursing care homes (elderly persons)

Relevant policies

Policy H6 – Supported Housing

Strategic Proposal 1 - Development of a long-term planning assumption

Strategic Proposal 5 – An infrastructure roadmap for Jersey

Summary of representations received

- Field MN688: seeking more certainty from the land-use decision-making framework to allow for a care home development in a green zone location.
- Field L875a St Lawrence (Methodist Homes Association) proposing a 60-bed residential care facility (including dementia).
- Tabor Park, St Brelade, which is seeking the provision of open market homes, adjacent to an existing facility (this is also considered separately, as a housing proposal: see SR26: Provision of affordable homes)

Minister's detailed comments

Context

The 2016 Population Projections¹ found that, by 2035, the number of Jersey residents aged over 65 could reach up to 30,000 (depending on the changes migration could bring), which could account for 29% of the total population. As of 2019, 17.1% of Jersey's population was aged 65 and over.

Jersey has a significant number of residential care and nursing home beds relative to the size of its population, for example when compared to UK comparable regions (approx. 374 people in Jersey and 134 people in the UK per 10,000 population aged 65+). The present and historic social care model in Jersey is reliant on residential care, which is a high dependency model of healthcare with limited options for long-term care that support independence. This model has been recognised as not in the best interests of islanders, and changes to the approach form a key component of the Jersey Care Model (JCM)².

The overarching aim of the Jersey Care Model is to transform health and social care, in order to improve Islanders' physical and mental health and wellbeing. To achieve this, it proposes adopting a patient-centred approach whereby care is financially sustainable, safe and accessible, being provided in the places where people need it the most.

The Objective Assessment of Housing Needs (2018) (OAHN)³ considers long-term housing requirements in a 'policy-off' context, which means that the projected requirement of homes is based on historic trends and modelling, and this does not account for policy interventions that may otherwise influence demand. In this context, the report highlights that the ageing demographic of

¹ [Jersey population projections 2016 release, Statistics Jersey](#)

² [Jersey Care Model proposition: P.114/2020](#)

Jersey means that there will be a growth in the need for older person's accommodation. The 2011 Census had identified 983 residents living in care homes (583 with nursing and 400 without nursing), representing 14.8% of island residents aged 75 and over.

The OAHN highlights that over the period end-2020 to end-2030, the number of residents aged 75 and over is projected to increase from 8,500 (in 2020) to 12,000 in 2030, under a +1,000 in-migration scenario. Applying the 14.8% figure to this increase in population results in a need for 520 additional care home bed-spaces, or 52 each year. The OAHN made this projection on +1000 migration scenario as the most probable position at the time; it is a 'policy-off' assumption, (meaning it does not account for policy decisions that may impact demand) and was modelled without an appreciation for what the migration effects of Covid-19 and the Brexit transition might be.

Taking account of these effects, the draft Bridging Island Plan established its own planning assumption for population change, at +800 persons a year until 2025. This assumption takes account of a migration scenario of +700 per year, and natural growth at +100 per year (births minus deaths). The projected requirement identified by the OAHN is not, therefore, aligned to the BIP planning assumption.

Adjusting the OAHN figure (which suggested +52 beds per year on a +1000 migration scenario) to the +700-migration scenario would not make a significant difference to the projected bed space demand because migration patterns lead to minimal change to the older persons population in Jersey. Therefore, the 'policy-off' assumption for additional care home beds for the supply period of 2021 to 2025 would be approximately 260.

Current bed capacity and occupancy

The latest Health and Community Services records highlight that there are presently 999 beds available across elderly nursing and residential care homes across the island (1/3 nursing 2/3 residential care), with 24 vacancies (8 nursing care and 16 residential care). This present position aligns with the findings of the 2011 Census which recorded 983 living in care homes. This suggests that there has been no increase in bed capacity - or evidence of a significant change in demand - in the last 10 years.

Potential future demand

Between the period 2010 to 2040, the numbers of islanders over 65 is expected to rise from 15,000 to almost 30,000. As older adults tend to require more services - and often need a range of services - it is reasonable to expect that the demand on residential and nursing care beds will increase, unless there are interventions to deliver care in a different way.

- present bed capacity and occupancy rates indicate that there is little capacity in the system to withstand a significant increase in demand for both residential and nursing care beds. This, however, has been a relatively stable position over the last decade, despite the increase in older people population that has been happening over the same period.
- the latest available data derived from Social Security indicates the number of long-term care (LTC) claims by those aged 65+ was 1052 in 2019, an increase of approximately 10% over the previous 5 years. LTC contributions are a good indicator of care requirement

trends, but do not account for private patients who either do not meet the criteria or have elected not to join the scheme. Nevertheless, the 10% increase does not appear to have led to a measurable increase in bed space requirement over the same period.

- adult social care referrals show a different picture with total new referrals being made nearly doubling over the last 10 years: 873 in 2011, and 1629 in 2020. This trend qualifies that whilst there is an increase in care requirements being experienced beyond the rate that might have been expected, this has not led to an equivalent, or measurable, increase in bed space demand.

It is evident that the projected demand indicated by the OAHN and actual change being seen in demand is not correlating. It is therefore reasonable to suggest that it is unlikely that a sudden and unmanageable surge in demand in bed space will be seen in the short-term, in the context of recent change.

In the medium to long-term, and as the older population continues to increase, it is still possible that the increased number of older people will lead to some kind of increase in bed-space demand. This increase, however, is intended to be met through the delivery of the Jersey Care Model, which seeks to manage increased demand for residential and nursing care and aims to reduce residential care placements by 70% and nursing care placements by 46%.

The JCM recognises that it is important to keep elderly people connected and independent at home as long as possible to avoid early admission to a care home. Often, loneliness and inability to cook/ look after their home are contributing reasons for choosing a care home but these should be addressed differently through for example, community integration and activities, lunch clubs, home care and cleaning services. These services should be the focus before providing a care home solution. To support this, the JCM aims to increase the domiciliary home-care market to enable people to stay independently at home and building more care homes may act to dis-incentivise this market shift as the care home market is likely to be more lucrative than the home care market.

Planning requirement conclusion

Whilst there exists little capacity in the system for growth, care-home bed spaces have been stable over the last 10 years and it is reasonable to assume that any near-term increase in demand will be moderate. As a result of this, it is expected that any such increase in demand will be met through the redevelopment of land within the existing built-up areas, such as the redevelopment of old hotel stock. Sites within built-up areas and in close proximity to community facilities should also be considered a priority before rural locations, so as to ensure that community integration of care home residents remains possible.

In the absence of evidence to support significant demand or that requirements cannot otherwise be met from the redevelopment of sites within the built-up area, it is not considered necessary or sustainable to rezone land in the countryside for this purpose in the Bridging Island Plan.

Into the longer-term, it is accepted that the position of demand may change. It is therefore considered appropriate to undertake further, more comprehensive, work to re-evaluate medium to long-term requirements for residential and nursing care demand, which could be delivered through the development of both the long-term planning assumption and the infrastructure

roadmap for Jersey (See 'Strategic proposal 1 - Development of a long-term planning assumption' and 'Strategic proposal 5 – An infrastructure roadmap for Jersey' in the draft Bridging Island Plan). This work can then reflect on the efficacy of delivery mechanisms being implemented for the Jersey Care Model and the findings will inform the development of the subsequent Island Plan, where any identified medium to long-term requirements can be addressed.

Minister's recommendation

1. No identified requirement for land to be designated for residential and/or nursing care use over the Bridging Island Plan period.
2. Further work to be undertaken to understand long-term care bed requirements as part of the development of a long-term planning assumption (Strategic proposal 1) and infrastructure roadmap (Strategic proposal 2).

Minister's intention

The Minister is **not minded** to make any change to the draft plan.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 03 - Les Quennevais - role and development

Relevant policies

Strategic Proposal 4 – West of island planning framework

Policy SP2: Spatial strategy

Policy PL2: Les Quennevais

Policy ER1: Retail and town centre uses

Policy ER4: Daytime and evening economy uses

Policy EO1: Existing and new office accommodation

Policy H2: Density

Summary of representations received

- [p.36-2021 amd.\(32\)](#) Connétable of St Helier; [p.36-2021 amd.\(43\)](#) Deputy Tadier; and [p.36-2021 amd.\(45\)](#) Connétable of St Brelade
- undermines spatial strategy of previous Island Plans, which have worked.
 - why undermine this, especially when the vitality and viability of St Helier (town centre) is under threat from other challenges?
- all parts of the island warrant a planning framework
 - why prioritise Les Quennevais?
 - the creation of a secondary centre is unsustainable: it would undermine the primacy of St Helier would exacerbate traffic problems (e.g. Beaumont)
 - would draw retail and hospitality uses out of the town
- enabling evening economy uses would cause anti-social behaviour
- safeguards are required to avoid over-development and to secure investment
- the Sustainable Communities Fund should benefit other communities, as well as Town
- the draft plan should not encourage higher density development in Les Quennevais: it will happen anyway
- what is needed is a masterplan, not a planning framework
- economic development should be enabled throughout the built-up area, not just the defined centre for Les Quennevais

Minister's comments

A number of representations and amendments have been submitted in relation to the issue - of defining Les Quennevais as the island's secondary centre - which challenge the strategic principles which underlie this element of the plan; some of the detailed implications of it; or seek assurance or mitigation of its potential impact. These are addressed below.

Strategic concerns: spatial strategy

Les Quennevais already serves as the island's *de facto* secondary centre providing a range of public and private facilities and services to residents in the west of the island. The further development of Les Quennevais - through the redevelopment of existing buildings and land that is already developed - is considered, both from an island-wide and local perspective, to be entirely sustainable. Encouraging the provision of more local opportunities for employment, retail and

leisure, together with the provision of more homes – within the existing built-up area – serves to make best use of already developed land and reduce the need to travel for goods and services.

The draft plan does not, however, propose the unfettered growth and redevelopment of Les Quennevais in a way that seeks to undermine the primacy of St Helier as the island's principal commercial hub, for both employment and retail use. The draft plan sets out a defined spatial extent for economic development at Les Quennevais and proposes limits on floorspace for both office and retail use that might be encouraged here, together with a requirement for an assessment of impact on any larger development that might have implications for the primacy of St Helier. This is not encouraging 'out of town' development but urban development and regeneration.

Les Quennevais offers a choice of transport options, benefiting from an excellent bus service and dedicated cycling and walking facilities to St Helier. Existing vehicular traffic congestion at Beaumont already serves to influence travel behaviour. Enhanced employment opportunities and local retail provision at Les Quennevais can help reduce journey distances and promote more active travel.

On this basis, the concerns expressed that the policies in the draft plan relating to the enabling of the provision of new retail, office and daytime and evening economy uses (at Policy ER1: Retail and town centre uses; Policy ER4: Daytime and evening economy uses and Policy EO1: Existing and new office accommodation) are not considered to undermine the island's sustainable development, or to undermine the vitality and viability of St Helier as the island's primary centre.

They seek to encourage investment – in the form of development – to renew the urban fabric, vitality and attractiveness of Les Quennevais as a place to live, work and visit; and to ensure that this centre helps to meet the local community's needs, whilst complementing the role of other centres in the island.

Strategic concerns: density of development

It has been a component of successive recent Island Plans to encourage the optimal use of land when it is developed or redeveloped, to ensure that we can continue to protect the island's coast and countryside. This does not, however, mean that sites should be over-developed, but rather that they are developed in a way that optimises the density of development whilst having regard to the local character of the area; neighbouring uses; and the capacity of the local infrastructure.

Much of Les Quennevais was developed in the 1960s, largely in the form of suburban housing estates, at relatively low densities of development. Because of this, where opportunities arise for land to be redeveloped, there is scope for it to be developed in a more efficient way – at higher densities - whilst still having regard to the character of the area: recent developments, such as those at Belle Vue/Ernest Briard Crescent demonstrate the forms of good quality homes that can be delivered at higher densities. The draft plan sets out a proposal – Proposal 20: Minimum density standards – for the development of supplementary planning guidance to establish minimum density standards for residential development in different parts of the island, including Les Quennevais, which will be the subject of consultation with key stakeholders, including the parishes. This will inform the application of Policy H2: Housing density, that will seek to ensure the delivery of a design-led approach to new housing development at optimum densities for each site.

On this basis, the concerns expressed that the policies in the draft plan, and their supporting justifications, relating to the delivery of higher densities of development (at Policy SP2: Spatial strategy and Policy PL2: Les Quennevais) are not considered to undermine the island's sustainable development. Neither are they considered to threaten the quality or character of Les Quennevais as a place to live, work or visit. Rather, they seek to encourage investment – in the form of development – to renew the urban fabric of Les Quennevais and, through the mechanisms currently available to the planning system (such as planning obligation agreements) to mitigate the impact of development upon the local community and to secure investment in local community infrastructure.

The Minister acknowledges the potential role of the proposed Sustainable Communities Fund to help deliver improvements to other parts of the island's built-up area: this is already acknowledged in the preamble to the proposal.

Future development opportunities

There appears to be a consensus that the development of a longer-term plan for Les Quennevais, engaging the local community and key stakeholders in an assessment of its strengths and opportunities, and areas of development and need, would be a worthwhile exercise. Whilst undoubtedly valuable throughout the island, Les Quennevais and the airport are considered to be areas that represent opportunities for growth and development related not just to housing but also the provision of employment land that might help contribute to a wider range of island objectives. It is for this reason that Les Quennevais is considered to be deserving of a greater priority.

The process of developing a plan for an area is often as valuable as the outcome. Engaging those with an interest and stake in a place is critical to help shape a more sustainable, resilient and robust future for it – whether that is in the form of a planning framework or a masterplan.

The ability of the Minister for the Environment to develop a new planning framework for Les Quennevais will be dependent upon the priority and resources afforded to it relative to other commitments arising from the approval of a new Island Plan. The Minister would envisage that this would be undertaken during the plan period, to inform the subsequent Island Plan Review, rather than by 2023.

Any proposed change to the defined centre for Les Quennevais, as proposed in the draft plan, should properly emerge from the development of a planning framework for the area.

Daytime and evening economy uses

Given the changing nature of retail and the function of shopping centres, including Les Quennevais, the Minister for the Environment considers it appropriate that the draft plan enables the provision of non-retail activities to help support their attractiveness and vitality as places to visit.

It is acknowledged that evening economy uses can have adverse implications for neighbouring uses in particular, which is why the policy provision in the draft plan seeks to ensure that their

development is only supported where they do not have an unacceptable impact on those neighbouring uses.

Minister's recommendation

The Minister for the Environment recommends the planning inspector notes his comments and to consider the role of Les Quennevais as proposed in the draft plan.

Minister's intention

The Minister for the Environment is **not minded to accept** the proposed change, sponsored by the amendment from Deputy Tadier ([p.36-2021 amd.\(43\)](#)), which would see the following changes (in red).

The Minister would, instead, seek to develop a planning framework for the west of the island during the bridging plan period to inform the next Island Plan Review.

~~Strategic Proposal 4 – A west of island planning framework~~

~~The Minister for the Environment will prioritise the development of a planning framework for Les Quennevais and adjacent areas, including Jersey Airport.~~

~~Strategic Proposal 4 – A west of island masterplan~~

~~The Minister for the Environment will bring forward a masterplan for Les Quennevais and adjacent areas, including Jersey Airport, in consultation with key stakeholders, no later than May 2023.~~

The Minister for the Environment is **minded to accept** the proposed change, sponsored by the amendment from Deputy Tadier ([p.36-2021 amd.\(43\)](#)), which would see the following changes (in red). The draft plan already acknowledges (in the penultimate paragraph on p. 78) that a proportion of the fund would be allocated to other parts of the island:

Proposal – Sustainable Communities Fund

Recognising the challenges to secure the sustainable future development of Town **and other parts of the island's built-up area**, a Sustainable Communities Fund will be established and funded through a land development levy, subject to approval by the States Assembly.

Work to design and introduce the Fund will take place over the plan period of the bridging Island Plan.

The viability of the proposed Fund will be assessed and arrangements for the governance and allocation of the Fund, including the role of Parishes, will be set out when it is proposed.

As part of this work, restrictions will be put in place, through regulations, to ensure that developers are not charged twice for the same infrastructure.

Should a mechanism also be introduced to deliver a proportion of affordable homes on all housing development sites, restrictions would also be put in place to ensure that contributions to the Sustainable Communities Fund were viable, proportionate and appropriate in light of the contribution made by the delivery of affordable homes.

The Minister for the Environment is **not minded to accept** any of the proposed changes, sponsored by the amendment from the Connétable of St Helier ([p.36-2021 amd.\(32\)](#)), which would see reference to Les Quennevais removed from all of the following policies;

- in **Policy SP2: Spatial strategy**, in the second paragraph, the words "Development will also be focused within the secondary main urban centre of Les Quennevais" should be deleted;
- in **Policy PL2**: Les Quennevais should be deleted;
- in **Policy ER1: Retail and town centre uses**, all references to Les Quennevais should be deleted;
- in paragraph b. of **Policy ER2: Large-scale retail** the words "the defined centre at Les Quennevais" should be deleted;
- in paragraph b. of **Policy EO1: Existing and new office accommodation**, the words "the defined centre at Les Quennevais" should be deleted;

and the following proposal being deleted:

- **Strategic Proposal 4: A west of Island planning framework** should be deleted

The Minister for the Environment is **not minded** to accept the proposed change, sponsored by the amendment from the Connétable of St Brelade ([p.36-2021 amd.\(45\)](#)) which would see reference to Les Quennevais removed from the following policy

- in **Policy ER4: Daytime and evening economy uses**, part 1., the words ", the defined centre at Les Quennevais" should be deleted

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 04 - Policy GD3 – POA's Driveways

Relevant policies

Policy GD3 – Planning obligation agreements

Summary of representations received

[P.036/2021](#) (46) Driveways

- when development is undertaken, construction traffic can have a detrimental impact upon local highway infrastructure, both public and private
- planning obligations should be used to affect the restoration of any infrastructure that is adversely affected through wear or damaged as a consequence of development.

Minister's comments

The Minister acknowledges that the activity of development can have an impact upon the local area, and that local highway infrastructure can be damaged by heavy construction traffic.

Island Plan policy can be used to expand upon the basis for the use of planning obligation agreements, but the issue is essentially an operational matter, and the use of planning obligations is established in law.

The Minister is, however, content to give emphasis to this matter on the face of the policy.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made.

Minister's intention

The Minister for the Environment is **minded to accept** the proposed amendment to Policy GD3, which would result in the following changes (in red).

Policy GD3 – Planning Obligation Agreements

Planning obligation agreements (POAs) will be entered into where they are:

- necessary to make development acceptable in planning terms;
- directly related to the development; and,
- fairly and reasonably related, in scale and kind, to the development.

Their use may be:

- to limit the use and occupation of the development in order to meet a specific identified need;
- to ensure that restoration of land, **including infrastructure**, or other specific activity takes place, at a specified time;
- to secure the delivery of infrastructure or services, as may be deemed necessary, and which may include development on-site, off-site, or by way of a financial contribution that can otherwise secure its appropriate delivery; or
- for any other lawful reason that will ensure that the policy objectives of the Island Plan can be met.

Where there are cost implications associated with POA requirements, reasonable negotiations may take place in order to agree the means by which the requirements are to be delivered. Negotiations should not, however, lead to a lesser value outcome, and the agreed means must fully address the issues that will otherwise exist.

The developer will be required to meet the legal costs associated with making the POA.

Where the necessary terms of agreement cannot be agreed, planning permission will be refused.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 05 - Disability inclusion - strategic and general policies

Relevant policies

Policy SP3: Placemaking

Policy SP7: Planning for community needs

Policy GD1: Managing the health and wellbeing impact of new development

Summary of representations received

[P.036/2021](#) (23) Disability inclusion – clauses

- more explicit consideration of disability and inclusion in strategic and general policies of the plan;

Minister's comments

The need to give explicit consideration for people with disability is already recognised throughout the plan and is also referenced in at least two of the policies proposed to be amended (Policy SP3 and SP7) where the proposed alterations represent something of a tautology i.e. inclusive design, by definition, embraces the need to design for all forms of desirability.

The Minister, however, recognises that the planning system needs to be inclusive and is content to give emphasis to the issue.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the Minister's comments.

Minister's intention

The Minister for the Environment is minded to accept the proposed amendment and, as a consequence of the amendment, to support the following changes (in red).

Policy SP3 – Placemaking

All development must reflect and enhance the unique character and function of the place where it is located. New development must contribute to the creation of aesthetically pleasing, safe and durable places that positively influence community health and wellbeing outcomes, and will be supported where:

1. it is responsive to its context to ensure the maintenance and enhancement of identity, character and the sense of place;
2. it is environmentally responsible and sustainable through optimisation of resource efficiency;
3. it enhances and optimises the provision of green infrastructure by integrating existing and incorporating new natural features into a multifunctional green network that supports the quality of place;
4. it achieves the highest standards of accessible and inclusive design **having regard to the needs of those with disabilities**, is well connected, and creates successful and comfortable public and private spaces, active frontages, streets and links for all, that

work as social spaces, supporting wellbeing and healthy living, and enabling successful integration into a place;

5. it makes provision for all modes of transport in a way that prioritises and supports active travel choices, and where such provision is well-integrated into the development;
6. residential development provides housing types and tenures that reflect local housing need and market demand, designed and planned for the long-term; and provides good quality internal environments that are comfortable, resilient and adaptable;
7. it is appropriate relative to the capacity of the local community and social infrastructure; and it supports and enables the provision of new or enhanced facilities, where necessary, to enable communities to thrive; and
8. where required, it has been informed by engagement with the local community.

Policy SP7 – Planning for community needs

All new development must be able to demonstrate that it is helping to meet the identified needs of our community, both in the short and long-term. In particular:

- residential development must make a positive contribution to the island's housing stock, by delivering homes at optimal densities in sustainable locations, of the right type, tenure and size;
- new homes must be of a good design, standard and specification that is capable of adaptation to meet the changing needs of individuals and families, **including those with disabilities and additional needs**;
- the design of new development should contribute to the sense of place; and support and enable the creation of sustainable communities where people can know their neighbours and have a sense of belonging;
- development must make a contribution to physical infrastructure or community facilities where improvements are identified as necessary to meet an impact arising from the development;
- development must be located and designed to avoid environmental risks and, where necessary, demonstrate how measures to minimise and mitigate any impacts arising from identified environmental risks have been incorporated, as far as reasonably practicable;
- development must be designed in a way that reduces the potential for crime and the fear of crime; and
- new or improved public infrastructure will be supported where it is required and will be resilient to future, changing needs.

Policy GD1 – Managing the health and wellbeing impact of new development

All development proposals must be considered in relation to their potential health, wellbeing and wider amenity impacts, and will only be supported where:

1. the development will not unreasonably harm the amenities of occupants and neighbouring uses, including those of nearby residents, and in particular, will not:
 - a. create a sense of overbearing or oppressive enclosure;
 - b. unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy;

- c. unreasonably affect the level of sunlight and daylight to buildings and land that owners and occupiers might expect to enjoy; or
 - d. adversely affect the health, safety and environment of users of buildings and land by virtue of emissions to air, land, buildings and water including light, noise, vibration, dust, odour, fumes, electro-magnetic fields, effluent or other emissions.
2. it has regard to, and seeks to avoid or mitigate, the impact of the development on the needs of people with disabilities;
3. in the case of land that is known, or suspected, to be contaminated, the developer has or will carry out a satisfactory investigation into the condition of the site and is required to undertake the appropriate treatment, remedy or removal of the contamination, at the appropriate time.

Consideration of these impacts will be made in light of all relevant supplementary planning guidance, as may be published by the Minister for the Environment.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 06 - St. Brelade's Bay - Community participation

Relevant policies

SP3 – Placemaking

Proposal 7 - Guidance for community participation

GD2 – Community participation

GD9 – Percent for art

Proposal 10 - Percent for art supplementary planning guidance

Summary of representations received

[P36/2021 \(59\)](#) – Community participation

The amendment is in three parts, each dealing with proposed changes to various strategic proposals and policies in the draft plan.

- (a) Proposed amendment to **Proposal 10 - Percent for art supplementary planning guidance**, making specific reference to matters of procedure
- (b) Proposed amendment to **SP3 – Placemaking**, seeking to add provisions relating to the provision of evidence of support from stakeholders in any area affected by development
- (c) Proposed amendment to **Proposal 7 - Guidance for community participation**, seeking to specify some of the requirements of the guidance associated with evidence of engagement with various parties, and its voracity, where it is provided as part of the planning application process.

The specific objectives of the amendment might be summarised as follows:

- the percent for art policy needs to allow public consultation on the art/ design
- the percent for art policy should be subject to an independent valuation process.
- guidance on community participation shall
 - discourage developers or their agents from stating they have consulted with any person or group without providing relevant and accurate details of their response to the final proposals, and
 - ensure minutes of pre-application meetings are published or, as a minimum, statements by developers' agents suggesting they have been given certain advice by Planning or its Director (such as in the Wayside application) are checked and publicly approved by the relevant representative of Planning."

Minister's detailed comments

Part (a) of the proposed amendment seeks to add specific procedural requirements to the preparation of supplementary planning guidance relating to public art, as outlined (in red) below..

Proposal – Percent for art supplementary planning guidance

The Minister for the Environment will publish updated supplementary planning guidance to support the delivery of public art through new development.

Such Guidance shall include a procedure for the independent verification of the valuation process and an opportunity for neighbours and members of the public who are likely to experience proposed art regularly to review and comment on the proposed installation on the planning register

The Minister considers that the requirement for an independent valuation verification of a percent for art contribution to be unduly onerous, unnecessary and unjustified. Policy GD10: Percent for art, seeks to secure *approximately* 1% of the total construction cost of the development as a contribution and, therefore, already contains some flexibility in terms of the value of any such contribution.

The Minister is of the view that securing a percent for art contribution that upholds and applies the principles of public art, where there is clear artistic input into the design of a building or a space which contributes positively to local character, identity and sense of place is of primary importance, as opposed to defining the exact value of any such scheme.

This part of the proposed amendment also seeks to ensure that the public can comment on public art proposals. These are operational issues associated with the planning application process and are dealt with by the existing legislation for the publication of planning applications and most appropriately dealt with by operational practice guidance issued by the IHE (Regulation).

Part (b) of the proposed amendment seeks to amend a strategic policy of the plan, and to introduce a specific requirement that development proposals must demonstrate evidence of community support, as outlined (in red) below.

Policy SP3 – Placemaking

All development must reflect and enhance the unique character and function of the place where it is located. New development must contribute to the creation of aesthetically pleasing, safe and durable places that positively influence community health and wellbeing outcomes, and will be supported where:

1. it is responsive to its context to ensure the maintenance and enhancement of identity, character and the sense of place;
2. it is environmentally responsible and sustainable through optimisation of resource efficiency;
3. it enhances and optimises the provision of green infrastructure by integrating existing and incorporating new natural features into a multifunctional green network that supports the quality of place;
4. it achieves the highest standards of accessible and inclusive design, is well connected, and creates successful and comfortable public and private spaces, active frontages, streets and links for all, that work as social spaces, supporting wellbeing and healthy living, and enabling successful integration into a place;
5. it makes provision for all modes of transport in a way that prioritises and supports active travel choices, and where such provision is well-integrated into the development;
6. residential development provides housing types and tenures that reflect local housing need and market demand, designed and planned for the long-term; and

- provides good quality internal environments that are comfortable, resilient and adaptable;
- 7. it is appropriate relative to the capacity of the local community and social infrastructure; and it supports and enables the provision of new or enhanced facilities, where necessary, to enable communities to thrive; and
- 8. ~~where required, it has been informed by engagement with the local community~~ it has evidence of support of the local community in the immediate vicinity and representative bodies or local environmental groups generally associated with the relevant area.

The Minister wholeheartedly supports community engagement and access to the planning system, and has been instrumental in opening access to the planning application process in Jersey, including the introduction of third party appeals. The objective of both the Island Plan and indeed the island's planning legislation, is to ensure that development proposals are exposed to appropriate levels of public and stakeholder scrutiny, and that decision-makers take all representations into account.

It is these decision-makers who act on behalf of the whole island community in determining planning applications and will do so on the basis of all the material considerations before them, which will include having regard to the views of the local community in the immediate vicinity or area of the application. The Minister does not, therefore, consider it to be right or appropriate to make a decision on any development proposal conditional upon evidence of support from the vicinity of an application site.

Part (c) of the proposed amendment seeks to specify some of the requirements of the guidance associated with evidence of engagement with various parties, and its voracity, where it is provided as part of the planning application process as outlined (~~in red~~) below.

Proposal – Guidance for community participation

The Minister for the Environment will publish practice guidance to:

1. support developers in undertaking, responding to, and reporting pre-application community participation during the development of large-scale development proposals.
2. explain the various ways in which members of the public may participate in the planning application process, at its different stages. This will include details of how the process remains open, transparent and accessible for all.

Such guidance shall:

- a. ~~discourage developers or their agents from stating they have consulted with any person or group without providing relevant and accurate details of their response to the final proposals, and~~
- b. ~~ensure minutes of pre-application meetings are published or, as a minimum, statements by developers' agents suggesting they have been given certain advice by Planning or its Director (such as in the Wayside application) are checked and publicly approved by the relevant representative of Planning.~~

The Minister is of the view that the issues raised are essentially about openness, transparency and accessibility, and are already appropriately addressed by the provision of the proposal where it states that the guidance '*will include details of how the process remains open, transparent and accessible for all*'.

The voracity of evidence provided as part of a planning application is not a matter for Island Plan policy or guidance, and is an issue that can be scrutinised and assessed through the existing planning application process.

Minister's recommendation

The Minister invites the planning inspector to note the comments made.

Minister's intention

The Minister for the Environment is **not minded** to accept part (a), (b) or (c) of the proposed amendment.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 07 - Policy GD7 - Tall buildings

Relevant policies

GD7 – Tall buildings

Summary of representations received

- [P.36/2021 \(48\)](#)
- the Plan's spatial strategy concentrates development within the town of St. Helier, consequently, there is increased pressure to build higher buildings.
 - tall buildings do not improve quality of life generally
 - the States agreed the following when the 2011 Island Plan was debated and approved:

'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'.
- notwithstanding the Policy in the 2011 Island Plan, development heights have increased,
- the response to the pandemic suggests office buildings need not accommodate as many people driving down the requirement for tall buildings.

Minister's detailed comments

The effect of this proposed amendment is highlighted (in red) below, and essentially seeks to reduce the height limit for buildings within the policy provision in the draft plan, from eight to five storeys.

Policy GD7 – Tall buildings

Proposals for tall buildings are those where it is two or more storeys above the prevailing contextual height or over 18m (or four-six storeys) high.

Proposals for the development of a tall building will only be supported where:

- it is well-located and relates well to the form, proportion, composition, scale and character of surrounding buildings and its height is appropriate to the townscape character of the area. In Town this should be considered relative to the St Helier Urban Character Appraisal (2021) building height guidance;
- it does not unacceptably harm longer views and context at street level;
- it incorporates the highest standards of architecture and materials;
- it has ground floor activities that provide a positive relationship to the surrounding streets, and public realm;
- it does not adversely affect the locality in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, privacy and amenity of surrounding buildings;
- it contributes to improving the permeability of the site and wider area; and
- its height can be fully justified in a design statement.

Development of a tall building of over ~~eight~~ five storeys within Town will only be supported in exceptional circumstances and where the overall benefit to the community will demonstrably outweigh any adverse impacts.

Development of a tall building of over ~~eight~~ five storeys will not be supported outside of Town.

The Minister supports the sentiments behind this proposed amendment, such that the impact of taller and larger development needs to be appropriately considered relative to its context. He also acknowledges that the impact of the pandemic, and the changes that it has brought to ways of working in particular, may reduce the demand for office floorspace.

The Minister is of the view, however, that the proposed amendment is unduly restrictive and onerous, for the following reasons.

First, the draft plan seeks to direct most of the island's development to existing built-up areas and, in so doing, seeks to ensure the most efficient use of land that is already developed. Where land and buildings are redeveloped, the draft plan explicitly encourages redevelopment which, where appropriate, increases the development yield, whether of homes or floorspace, from the site. The potential to increase the height of buildings can help to play a role in this.

The Minister is acutely aware, however, that there is a need to give emphasis to the context of a site and its capacity to accommodate taller and larger buildings. To manage the obvious impacts of this higher density and taller buildings Policy GD7 sets out what a tall building is in its context alongside urban design and design quality tests to ensure any such proposals are judged carefully to mitigate impacts.

The policy framework that is set out in GD7 is informed by and relies upon work that has been undertaken to assess the urban character of St Helier having regard to its capacity to accommodate change, particularly in relation to the height of new buildings. The policy makes explicit reference to this work, which will be adopted as guidance to inform its application and will seek to ensure that taller buildings are only accommodated in those parts of the town best able to accommodate them.

From this work, it is clear that St Helier has evolved and grown and now presents a range of building heights. The height of the historic town is around 3-3.5 storeys, but 20th Century additions have grown much taller in places, up to 14 storeys in a few notable locations, and in places like the waterfront and the Esplanade development at 6-8 storeys has become the norm.

The Minister, however, considers that it is important to set a height threshold to ensure that tall buildings do not damage or degrade the character of Town. In the draft Island Plan that has been set at eight storeys having regard to approvals under the 2011 Island Plan and the research and conclusions of the St. Helier Urban Character Appraisal, with anything over this height requiring the need to justify its exceptional height. Setting this threshold too low will serve to undermine the policy objectives of the plan.

Minister's recommendation

The Minister recommends that the inspector considers the efficacy of Policy GD7 to manage the height of tall buildings.

Minister's intention

The Minister is **not minded** to accept the amendment, and to maintain Policy GD7: Tall buildings, as drafted.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 08 Policy CI1 - Capacity of education estate

Relevant policies

CI1 – Education facilities

H3 – Provision of homes

H5 – Provision of affordable homes

Proposal - Review of the education estate'

Strategic Proposal 5 - An infrastructure roadmap for Jersey

Summary of representations received

A number of representations have raised the capacity of the education system as a key issue surrounding the development proposed and envisaged by the draft Bridging Island Plan. In particular, concerns have been raised about:

- St Helier primary school capacity and adequacy
- St Saviour primary school capacity
- St Martin primary school capacity

There are two relevant proposed States Member amendments to P.036/2021, which seek to address the needs of the education estate in and around St Helier:

- [Amendment 06](#) (Deputy Inna Gardiner): Government sites and education estate.
- [Amendment 08](#) (Deputy Robert Ward): Jersey Gas Site: Tunnell Street, St Helier

Minister's detailed comments

The Minister for the Environment commissioned the Infrastructure Capacity Study (2020) (ICS) which forms a key evidence base for the draft Bridging Island Plan. This study considers the existing and future infrastructure capacity of early years, primary, secondary, special educational needs, tertiary and higher and adult education and skills settings. Officers from Children, Young People, Education and Skills (CYPES) supported the development of the ICS.

The ICS considers the current (as at 2019) capacity levels of each setting, and both its physical and operating capacity (i.e. how many pupils the building can accommodate, and how many pupils can be accommodated based on existing staffing levels).

The ICS highlights that Jersey is well-served by existing education facilities and that there are no significant shortfalls in capacity, when taken across the primary education system as a whole. Some individual primary schools are, however, at or near capacity and may not have space on site to expand; there is also the risk of increasingly unsustainable travel patterns for pupils to access available school places, particularly where school catchment areas require adjustment in order to balance placement allocation. Greatest pressures exist in primary schools in the town area. Whilst school catchment areas¹ exist, the actual allocation of school places also takes into consideration whether the pupil has a special educational need and must access a specific school; has brothers or sisters already in the school; are living in the secondary school catchment area

¹ Catchment areas are geographically defined based on population and demographic estimates. School catchment areas have not been updated for 15 years.

(which is wider), has put forward another request supported by a good educational reason for attending a non-catchment school. It is therefore most often the case that school places are not allocated on a purely geographical basis, and there are other individual drivers for allocation that help to ensure that school places are allocated both sustainably and responsively to individual needs.

Demographic modelling is routinely undertaken CYPES to monitor future requirements for school places as far as practically possible. Whilst there has been a recent bulge in demand for primary school places, birth rates have dropped in recent years and the net migration level for children remains close to zero - meaning demand for primary school places will likely be less in the short-term. However, because of natural demographic fluctuations, it remains difficult to undertake long-term planning for primary school places beyond around three years.

Direct engagement has been undertaken between planning policy officers and officers from CYPES to better understand the nature of impact that might be reasonably expected from the development envisaged by the draft Bridging Island Plan. It is only possible to model the education requirement where the location and characteristics of development are available. This means CYPES have only been able to model requirements of the Bridging Island Plan based on the development already expected in and around town, and the proposed rezoned sites – the remaining development expectation is not possible to model until such time that planning applications are made.

The CYPES modelling confirms that across all housing sites proposed in the plan, the likely impact on catchment schools is expected to be approximately 2 spaces per primary year group, and 5 spaces per secondary year group. CYPES are content that whilst this may place additional pressure on schools which are already at capacity (in particular at Springfield, Plat Douet, First Tower and St Luke's schools in and around the town area), the additional school place requirement may be partially balanced by the reduced birth rate in recent years, or otherwise be met through re-distributing pressure across schools to the nearest catchment areas, and allocating places based on individual choice rather than catchment area alone (as is presently the case). Details of the proposed rezoned sites impact study are found in the **annex** to this statement response.

As the current pressure on St Helier primary schools is well-recognised, the ongoing review of the education estate is presently focused on this area and at the time of writing this statement, an options study is being undertaken by the Minister for Infrastructure. The outcome of this study is expected to be published prior to the draft Bridging Island Plan being debated.

The needs of education, both in terms of teaching capacity and the need to resolve historic issues of inadequate outdoor space provision are recognised in the draft Bridging Island Plan, and the Minister welcomes the fact that work is being undertaken by the Minister for Education and the Minister for Infrastructure to properly address primary needs in the town area. However, as the draft plan suggests, it is not possible to designate sites in the plan for education use where sites have not yet been identified as being suitable for that purpose. It is appropriate that the identification of appropriate sites is led by the Minister for Education with the Minister for Infrastructure. The Minister for the Environment will continue to provide appropriate planning support to this process.

Should the work to review the primary education estate in St Helier be concluded before the draft Bridging Island Plan is adopted, there will be opportunity to make specific provision in the plan for this purpose. The Minister for the Environment notes that a planning designation for this purpose is unlikely to be entirely necessary, because all sites being considered are understood to be within the defined built-up area and therefore, the plan is already generally supportive of new education facilities on any such site that may arise in town, but such sites will require choices between education, housing and essential community support infrastructure, all of which are very important.

It should be noted that in addition to the Minister for the Environment providing active support to the Minister for Education and Minister for Infrastructure (as indicated by Proposal - Review of the education estate'), the Minister also intends to incorporate education facilities into the development of Strategic Proposal 5 - An infrastructure roadmap for Jersey, which will provide additional support to ensure that the future needs of the entire education estate can be more fully considered in the development of the subsequent Island Plan (2025-235), which will have regard to the changes in how education is delivered in the Island, and any such implications this may have upon future spatial requirements.

In light of concerns surrounding the primary education estate in St Helier, two States Member amendments have been proposed to Policy CI1 – Education facilities:

- Amendment no.6 (Deputy Inna Gardiner) proposes that the wording of Policy CI1 is changed to include a new paragraph that seeks to prevent the development of States of Jersey or States-owned companies land if there are identified needs for the primary school education estate, which are to take priority over any alternative development. The amendment seeks this to be echoed within the Places chapter (Policy PL1 – Development in Town and PL3 – Local centres).

The Minister considers that amendment no.6 is with good intention, but also notes it has the potential to prevent development from taking place on publicly owned key sites committed for other purposes in and around St Helier whilst the needs of the education estate are unresolved. In this context, the Minister also notes that since the closure of the consultation, a relevant proposition which sits outside of the draft Bridging Island Plan and planning process has been lodged, debated and agreed by the States Assembly. (P.43/2021 AMD), which is of a very similar effect to amendment no.6. This proposition makes specific provision in relation to Rouge Bouillon primary school, and also that no site in government ownership that is suitable for a modern standard primary school in St. Helier and St. Saviour should be allocated for another purpose until the strategic review of the education estate of St. Helier and St. Saviour is completed, and sites are allocated and approved for modern standard primary schools according to the educational needs of these Parishes.

The Minister agrees that resolving the needs of primary schools in town is of utmost importance and is pleased that the Assembly has agreed proposition P.43/2021 (as amended) to ensure that the identification of a site(s) can happen as quickly as possible. The Minister wishes to reserve position on amendment no.6 into the draft Bridging Island Plan as it is hoped the effect of P.43/2021 will be that a suitable site(s) is identified in the near future and able to be included into Bridging Island Plan and thus negating the need for amendment no.6.

- Amendment no. 8 (Deputy Rob Ward) proposes that the Jersey Gas site in St Helier is safeguarded for the development of a future primary school. The amendment does not seek to change the proposed designation of part of the site for the provision and enhancement of open space (CI6 – Provision and enhancement of open space), and the amendment indicates a school and extension to the town park could be developed together.

The Minister considers that whilst amendment no.8 is also made with good intention, and supports the potential use of the Jersey Gas site for this purpose in principle, the Jersey Gas site is within scope of the review of the education estate and therefore, the bringing of this amendment is considered to be premature to the conclusion of that work. As with amendment no.6, it is the Minister's view is that the conclusion of the review of the St Helier primary school estate should be reached before acting to safeguard this site by a change to policy CI1. The Minister wishes to avoid forcing the development of a school on a site which may transpire to be less favourable than other sites and options being explored but will be supportive of the amendment should this site ultimately be selected.

The implications of this amendment being taken forward would mean the prevention of the development of affordable homes, as envisaged by Supplementary Planning Guidance: Jersey Gas Site² and accounted for within the 2021-2025 housing supply estimate, and may also have implications for the provision of public open space.

Minister's recommendation

The Minister recommends that the inspectors consider the issue of primary school education capacity in relation to the proposed housing sites in the draft Bridging Island Plan, including whether or not the intention of 'Proposal - Review of the education estate' is a reasonable means to ensure the needs of education can be appropriately accommodated as they arise, and incorporated into the development of the subsequent Island Plan. The Minister also recommends the inspector consider and provide a recommendation as to the relative benefits and/or disbenefits of the proposed amendments number 6 and 8 to P.36/2021.

Minister's intention

It is the Minister's intention to **maintain** the position set-out in Policy CI1 – Education Facilities and 'Proposal - Review of the education' pending the conclusion of the review of the education estate presently being carried out for St Helier primary schools. Upon such conclusions being made, the Minister for Environment will reconsider whether amendments to Policy CI1 – Education facilities should be made in order to ensure needs of the primary education estate can be appropriately secured through the Bridging Island Plan.

² [Supplementary Planning Guidance: Jersey Gas Site \(2019\)](#)

SR 08 – Annex - proposed housing sites impact study:

| Grouville | | | | | | St Martin | | | | | |
|--------------------------|----------|-----------------|----------------------|---------------|-----------------|--------------------------|----------|-----------------|----------------------|---------------|-----------------|
| G392A | | | | | | MN389 + MN390 + MN410 | | | | | |
| Max number of properties | Rental | % of properties | Number of properties | Extra Primary | Extra Secondary | Max number of properties | Rental | % of properties | Number of properties | Extra Primary | Extra Secondary |
| 34 | 3 | 19% | 3 | 2 | 1 | 75 | 3 | 19% | 6 | 3 | 3 |
| 45% | 2 | 26% | 4 | | | 45% | 2 | 26% | 9 | | |
| 15 | 1 | 55% | 8 | | | 34 | 1 | 55% | 19 | | |
| Max number of properties | Purchase | % of properties | Number of properties | Extra Primary | Extra Secondary | Max number of properties | Purchase | % of properties | Number of properties | Extra Primary | Extra Secondary |
| 34 | 3 | 45% | 8 | 4 | 4 | 75 | 3 | 45% | 19 | 9 | 8 |
| 55% | 2 | 40% | 7 | | | 55% | 2 | 40% | 17 | | |
| 19 | 1 | 15% | 3 | | | 41 | 1 | 15% | 6 | | |
| Total | | | 34 | 6 | 5 | Total | | | 75 | 12 | 11 |

| d'Auvergne | | | | | | St. Saviour | | | | | | Plat Douet | | | | | |
|--------------------------------|----------|-----------------|----------------------|---------------|-----------------|-----------------------------------|----------|-----------------|----------------------|---------------|-----------------|--------------------------|----------|-----------------|----------------------|---------------|-----------------|
| H1186a + H1189 + H1198 + H1219 | | | | | | S413 + S415 + S415A + S470 + S530 | | | | | | S729 | | | | | |
| Max number of properties | Rental | % of properties | Number of properties | Extra Primary | Extra Secondary | Max number of properties | Rental | % of properties | Number of properties | Extra Primary | Extra Secondary | Max number of properties | Rental | % of properties | Number of properties | Extra Primary | Extra Secondary |
| 130 | 3 | 19% | 11 | 6 | 6 | 192 | 3 | 19% | 16 | 9 | 8 | 20 | 3 | 19% | 2 | 1 | 1 |
| 45% | 2 | 26% | 15 | | | 45% | 2 | 26% | 22 | | | 45% | 2 | 26% | 2 | | |
| 59 | 1 | 55% | 32 | | | 86 | 1 | 55% | 48 | | | 9 | 1 | 55% | 5 | | |
| Max number of properties | Purchase | % of properties | Number of properties | Extra Primary | Extra Secondary | Max number of properties | Purchase | % of properties | Number of properties | Extra Primary | Extra Secondary | Max number of properties | Purchase | % of properties | Number of properties | Extra Primary | Extra Secondary |
| 130 | 3 | 45% | 32 | 15 | 14 | 192 | 3 | 45% | 48 | 22 | 21 | 20 | 3 | 45% | 5 | 2 | 2 |
| 55% | 2 | 40% | 29 | | | 55% | 2 | 40% | 42 | | | 55% | 2 | 40% | 4 | | |
| 72 | 1 | 15% | 11 | | | 106 | 1 | 15% | 16 | | | 11 | 1 | 15% | 2 | | |
| Total | | | 130 | 21 | 20 | Total | | | 192 | 31 | 29 | Total | | | 20 | 3 | 3 |

| St John | | | | | | St Peter | | | | | |
|--------------------------|----------|-----------------|----------------------|---------------|-----------------|--------------------------|----------|-----------------|----------------------|---------------|-----------------|
| J525 | | | | | | P632 | | | | | |
| Max number of properties | Rental | % of properties | Number of properties | Extra Primary | Extra Secondary | Max number of properties | Rental | % of properties | Number of properties | Extra Primary | Extra Secondary |
| 27 | 3 | 19% | 2 | 1 | 1 | 59 | 3 | 19% | 5 | 3 | 3 |
| 45% | 2 | 26% | 3 | | | 45% | 2 | 26% | 7 | | |
| 12 | 1 | 55% | 7 | | | 27 | 1 | 55% | 15 | | |
| Max number of properties | Purchase | % of properties | Number of properties | Extra Primary | Extra Secondary | Max number of properties | Purchase | % of properties | Number of properties | Extra Primary | Extra Secondary |
| 27 | 3 | 45% | 7 | 3 | 3 | 59 | 3 | 45% | 15 | 7 | 7 |
| 55% | 2 | 40% | 6 | | | 55% | 2 | 40% | 13 | | |
| 15 | 1 | 15% | 2 | | | 32 | 1 | 15% | 5 | | |
| Total | | | 27 | 4 | 4 | Total | | | 59 | 10 | 10 |

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 09 - Policy CI1 - Field H1256 – Mont à L'abbé increase in safeguarded education site designation

Relevant policies

CI1 – Education facilities

Summary of representations received

No representations have been received in relation to this site, however, the Minister for the Environment has had further dialogue with officers from the Infrastructure, Housing and Environment (IHE) department in relation to the spatial requirements for delivering the needs of the school.

Field H1256:



Ministers detailed comments

The main assessment of this site is set out in the 'Community facilities and open space: assessment of sites' report¹. This report establishes that in order to cater for the future requirements of the school, 70% of field H1256 would be required.

As further work to consider the delivery of the site has been undertaken by IHE, it has been established that whilst their original site requirements for a secondary SEN school of 12,000sq.m

¹ Community facilities and open space: assessment of sites', available at:
<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20Community%20facilities%20and%20open%20space%20assessment%20of%20sites%20ND.pdf>

(70% of the site) was accurate, the remainder of the land (100% of the site) could cater for the extension of outdoor space for the existing Primary SEN school, offsetting a potential loss due to the need to deliver an adequate access to the new school. This additional space provision on H1256 would support a better outcome for both the primary and secondary school.

There may also be additional educational and/or health related requirements for the site which have not yet been fully established, but those which IHE believe would be appropriate to include within the safeguarded land area.

The Minister has already established that as the only available land adjacent to the school, field H1256 presents a one-off opportunity to achieve the aspiration to extend the school and achieve an integrated campus. The Minister is satisfied that the safeguarding of the remaining 30% of the site would remain to be acceptable in planning terms, and that the justification provided by IHE for the additional spatial requirements is reasonable and will support the delivery of a better outcome for both the primary and secondary school.

The Minister maintains the need to deliver an appropriate landscape buffer to the south of the site in particular, but is satisfied that can be appropriately dealt with as a landscape consideration within the provisions of Policy NE3 – Landscape and seascape character.

Minister's recommendation

The Minister recommends that the inspector considers the position in relation to field H1256 and in doing so, has regard to the reasons provided to justify the need to increase the designation, and the Minister's support for such.

Minister's intention

It is the Minister's intention to pursue an increase in the designation made for Mont à L'abbé school within the provisions of Policy CI1 – Education facilities with a consequential amendment to the proposals map. (see Modification schedule).

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 10 - 'Our Hospital' and associated sites and infrastructure

Relevant policies

CI2 – Healthcare facilities

CI3 – Designated our hospital and associated infrastructure

CI4 – Community facilities and community support infrastructure

CI1 – Education facilities

CI5 – Sports, leisure and cultural facilities

Summary of representations received

A number of representations have been received in relation to the proposed designation of 'Our Hospital' site, together with other matters relating to the hospital such as alternative site considerations, infrastructure requirements and matters which are considered to be detailed development control issues (i.e. matters to be dealt with through the planning application process).

The below points summarise the key themes and issues that have been raised:

Site identification and alternatives

- Statements and questions as to how the Overdale site was selected as the preferred site for 'Our Hospital'.
- Concern that the site includes land which was not agreed as part of the compulsory purchase proposition (P.129/2020)¹
- Requests for the alternative development of Warwick Farm to be excluded from the draft Bridging Island Plan until plans for the new hospital at Overdale have received planning permission.
- Requests for the alternative development St Saviour's Hospital to be excluded from the draft Bridging Island Plan until plans for the new hospital at Overdale have received planning permission.

General principles

- The development of the Our Hospital site should not be granted 'highest priority' in the Plan, as it should be tested equal to all other planning issues.
- Objection to the designation of Overdale for the hospital site with no other purpose allowed, with their being a need to allow flexibility to repurpose Overdale to other uses.

Associated infrastructure and enabling development requirements

- The proposed road alterations are not proven to be necessary and will cause significant harm.
- New locations have not been found for the bowling club and crematorium, and there are few available sites on the island that are suitable for their relocation.
- There is no mention in the draft plan of repurposing Les Quennevais old school for a medical facility.

¹ [Proposition P.129/2020 'Our Hospital Project: acquisition of Land at Overdale'](#)

Other detailed development control matters

- Concern that development will destroy the last two agricultural fields near town (Fields 1550 and 1551).
- All listed buildings, places and heritage interest in and around the Our Hospital site should be protected.
- Concern about the amount of travel and transport infrastructure being proposed, when a sustainable transport plan has not been produced.
- The scale, massing and height of the development will cause significant harm to the character of the area and nearby residents.
- Demolition of all buildings at Overdale, whether those in use or not in use, should not take place until all services at Overdale have been transferred to Les Quennevais

Ministers detailed comments

In order to provide some structure and clarity in responding to the key issues raised through the consultation, the Minister for the Environment's statement response is structured as per the groupings outlined above:

Site identification and alternatives

The draft Bridging Island Plan seeks to adopt the decision of the States Assembly to identify Overdale hospital and surrounding land as the site for the new hospital, referred to as 'Our Hospital'.

The Council of Minister's presented proposition P.123/2020 'Our Hospital site selection: Overdale'² to the States Assembly. This proposition sought approval of Overdale as the preferred site for Jersey's new Hospital, to be delivered within the boundaries illustrated on the plan in Appendix 1 to the report accompanying the proposition. This proposition was agreed, as amended, by the States Assembly (37 for, 6 against, 4 absent, 1 abstention, 1 declaration of interest)³.

In response to the concern that the proposed designation of the site in the draft Bridging Island Plan includes land that had not been agreed by the States for compulsory purchase, it is important to be clear that the draft plan seeks to adopt the plan specified in proposition P.123/2020, in appendix 1 to the report accompanying this proposition. The compulsory purchase proposition to the States Assembly (P.129/2020) has not been used to inform the designation. Site assembly and land acquisition issues are not for inclusion in the plan, however it is noted that the Minister does have compulsory purchase powers which can be exercised to deliver the site, if required. The Minister for the Environment is not presently in a position where it is considered that the use of the powers are necessary, with the detailed requirements of the site not yet formally established, and whilst land acquisition negotiations are ongoing between the developer and landowners.

² [Proposition P.123/2020 'Our Hospital site selection: Overdale' and associated proposed amendments](#)

³ The Minister for the Environment declared an interest and abstained from participating in the development of the Council of Ministers' position and ultimate Assembly vote, to ensure a conflict was not created with regard to the planning decision making powers vested in the Minister by the Planning and Building (Jersey) Law 2002, and the independence of the planning process from the States Assembly maintained.

The proposition which identifies the site (P.123/2020) provides context and justification as to why a new hospital site is necessary, the site selection process that has been undertaken, in addition to information about the evaluation outcome.

The site selection process was undertaken by the Our Hospital team and involved a 'call for sites' where islanders were asked to identify additional sites to be considered through the site evaluation process. Parameters for the minimum building footprint requirement and timescales for delivery were established through a clinical assessment of needs and the Citizens' Panel then developed and approved the criteria which would be applied as part of a sequential test, with support from Health and Community Services staff to ensure clinical requirements were addressed. The final stage involved shortlisting by a selection panel.

Five sites were shortlisted as a result of this process:

- Fields to the North of Five Oaks
- Millbrook Playing Fields and fields to the North
- Overdale and nearby fields
- People's Park
- St Andrew's Park, First Tower

Detailed feasibility studies were undertaken to identify each of these sites' challenges and opportunities, which left the final shortlisted sites as Peoples Park and Overdale. Taking into account all of the clinical, locational, environmental and economic and social impacts of the new hospital the final two sites, the Our Hospital Political Oversight Group and the Council of Ministers concluded that Overdale should be taken forward as the proposed site and moved to propose this to the Assembly. The Our Hospital Site Shortlisting Report (July 2020) is appended to P.123/2020, which provides detailed technical assessments of the shortlisted sites.

A significant amount of work has evidently been undertaken to evaluate a vast range of potential sites for the new hospital (82, plus site assembly combinations). The criteria used to evaluate sites is considered comprehensive, which addresses key planning issues and constraints that need to be raised when considering site suitability. Given the significant and comprehensive nature of the process undertaken identify suitable options for the Our Hospital site – and notwithstanding the complex and specialist nature of the clinical requirements that drive the baseline site requirements – it is not considered necessary, or reasonable, to re-undertake this work as part of the development of the draft Bridging Island Plan. The Minister has accepted the decision of the Assembly to agree Overdale as the preferred site and notes the further information in respect of alternative sites and evaluation.

A number of representations have been received calling for St Saviour's Hospital⁴ and Warwick Farm⁵ to be safeguarded as reserve sites for the hospital. Whilst these sites have some public support for use as the hospital site, it is essential that whichever site is identified for the development is capable of meeting the requirements of the hospital. Neither of these sites made it to the selection panel's shortlist of preferred sites and the Minister is therefore satisfied that the sites do not meet the requirements for the hospital. As such, the Minister disagrees that these sites

⁴ St Saviour's hospital is indicated for future supply of affordable homes

⁵ Warwick Farm is indicated for a future country park within 'Proposal - St Helier country park' and 'Policy CI6 – Provision and enhancement of open space'

should be safeguarded as alternative sites for 'Our Hospital' and stands by their future uses proposed in the draft Bridging Island Plan.

The Minister is clear that the appropriate future use of St Saviour's Hospital should be considered through the development of a detailed asset management plan, led by the Minister for Infrastructure. The future use of Warwick Farm as country park, whilst an ambition of the plan, will still require release from its current economic use and funding, which will require a further decision of the States Assembly before the development of the site as a country park could be brought forward.

General principles

The Minister appreciates that given Jersey's geography and limited size, there is no perfect site that can accommodate the hospital without planning challenges that will need to be overcome, or accepted. Having regard to the extensive history and challenges the hospital project has faced and the urgent need to replace the existing hospital facilities, it is considered right that the plan recognises the need to give the development of Our Hospital the highest priority. The need for a new hospital is in the island's strategic interest to secure the long-term health and wellbeing of islanders.

The indication that the site will be given 'highest priority' in Policy CI3 will not cause the remaining policies of Bridging Island Plan to fall away. The plan and all its policies will remain to be applied in the whole, as they are required to be. The use of the term 'highest priority' and the tests which then follow in the policy are designed to guide the decision maker in the application of a 'public interest test', where the strategic need for the development of a new hospital is recognised as being in the best interests of the community. The considerations of this policy will be used to help determine whether or not the impacts of the development identified through other policies of the plan outweigh the potential public benefit, when the detail of the proposal is assessed. Further guidance on the application of the public interest test is addressed in the adopted guidance 'Our Hospital: Supplementary Planning Guidance: Advice Note' (2020)⁶

Concerns have been raised that Policy CI3 states the alternative use of land designated as part of the 'Our Hospital development site' will not be supported. However, as already explained, the plan exists to be applied as a whole and given the existing Overdale site is already in hospital and healthcare use, the alternative development of the site [should it be proposed] would also be subject to the tests of Policy CI2 - Health care facilities.

Policy CI2 provides a sequential test for the redevelopment of healthcare facilities where it must be demonstrated that the site is no longer required for a healthcare or other community uses, before the site can be developed for alternative purposes. If for whatever reason the use of Overdale for 'Our Hospital' was no longer required, then this would be considered as part of the sequential test of Policy CI2. Whilst this would create a policy conflict with the designation made by Policy CI3, it would rest with the decision maker to judge whether the alternative development of the site would be appropriate and in the best interests of the community.

⁶ [Our Hospital: Supplementary Planning Guidance: Advice Note' \(2020\)](#)

Associated infrastructure and enabling development requirements

Representations to the plan have raised a number of concerns surrounding associated infrastructure and relocation of services that will be required as part of the development of Our Hospital. Policy CI3 and its preamble text acknowledges there will be a need for associated infrastructure and enabling development in order to deliver the new hospital, including new access road infrastructure and relocation of services. These requirements will be considered with particular regard to this policy, in addition to the requirements of Policy GD4 – Enabling and linked development. The nature and scale of such enabling development and infrastructure will therefore need to be tested for their necessity and appropriateness, when a decision on a planning application is being made.

The relocation of existing services and other affected facilities, such as the bowls club and potentially, the crematorium, would also be considered under the provisions made by their respective thematic policies. Crematorium facilities are recognised as 'community support infrastructure' and are therefore provided for by Policy CI4 – Community facilities and community support infrastructure, and bowls facilities would be provided for by Policy CI5 – Sports, leisure and cultural facilities. Both of these policies are supportive of new development within the built-up area and allow development outside the built-up area where this is proven to be appropriate and necessary. Therefore, despite concerns being raised that these facilities are not adequately provided for in the draft Bridging Island Plan, the Minister considers the plan to make sufficient provision to accommodate the requirements. At the time of writing this statement, the exact nature of impact upon these facilities has not been confirmed - nor a solution identified - and therefore, the plan isn't able to respond to the requirements with explicit provisions.

With regard to concerns raised that the Les Quennevais school site is not identified in the draft plan to accommodate the relocation of existing Overdale services (as presently intended), the Minister considers there to be adequate policy provision in the plan to enable the relocation to take place. The repurposing of the school site to a healthcare facility would be considered in the context of Policy CI2 – Healthcare facilities, and CI1 – Education facilities:

- Policy CI2 supports the development of new healthcare facilities within the built-up area, where the Les Quennevais school site is located.
- Policy CI1 requires the redevelopment of Les Quennevais to be subject to a sequential test, meaning that before alternative redevelopment of the site will be supported, the site must be proven to be surplus to education and/or wider community needs. The need to relocate Overdale services is recognised as a community need and therefore, the principle of repurposing Le Quennevais for this healthcare use would be compliant with Policy CI1.

Other detailed development control matters

A large number of the representations received in relation to Our Hospital raise issues that are considered to be detailed development control matters. The Minister considers the issues not relevant to the designation of the Overdale site, which only establishes the principle of the development. It is appreciated that as the detailed plans for 'Our Hospital' are being developed concurrent to the development of the draft Bridging Island Plan, it can be difficult to detach the points of detail from the points of principle.

Detailed considerations relating to matters such as sustainable transport planning, design, heritage, impact on skyline views and vistas, and neighbouring amenity are all vitally important, and these will be addressed when planning application is being considered. The Minister for the Environment

considers there to be an appropriate and comprehensive policy framework in the draft Bridging Island Plan to test and challenge these issues, to make sure that the ultimate development reaches the best possible outcome for the site, surrounding area and needs of the hospital.

As with most complex planning applications, the Minister recognises that it is unlikely the final scheme will be able to flawlessly address all of its planning issues. There will naturally be competing policies to consider. The determination of the scheme will be required to balance the potential impacts and effects of the development, with the community benefit. To support this consideration, as described earlier in this statement, there are tests within Policy CI3 that seek to ensure that the best possible outcome can be achieved.

With regard to concerns raised about the sequencing of planning applications and development, it is important to be clear that the planning process can only deal with planning issues. Therefore, considerations such as the health impacts of demolition activity, or the delivery of associated infrastructure – both of which are planning matters - will be tested under the framework of the plan; however, any matters such as programme and financial risk associated with development sequencing – which are not planning matters, will not be tested by the plan and are matters of concern for the project sponsors.

Minister's recommendation

The Minister recommends the planning inspector considers the issues raised through the consultation, and in doing so, has regard to the decision of the States Assembly to identify Overdale as the site for 'Our Hospital'.

Minister's intention

The Minister for the Environment is **not minded** to change the designation and policy frameworks as proposed in the draft Bridging Island Plan.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 11 - Policy CI4 - Community facilities and community support infrastructure amendment

Relevant policies

CI4 - Community facilities and community support infrastructure

Summary of representations received

One States Member amendment has been made in relation to this policy:

- Amendment 10 (Deputy Robert Ward): Nelson street carpark

In summary, this amendment seeks to:

- a.) Insert the following to policy CI4:

“To address specific deficiencies in the provision of youth facilities, the following site is safeguarded for use as a youth facility. The alternative development of this site will not be supported unless it can be demonstrated that it is no longer required for this purpose:

Nelson Street car park /The Old Fire Station site: Nelson Street, St. Helier”

Map:



Minister's detailed comments

The Minister welcomes the Deputy's amendment to further emphasise the need to deliver youth facilities, as has already been recognised in the preamble to Policy CI4 in the draft plan.

As the proposed Nelson Street site is within the built-up area, there is no specific planning need to make this designation as Policy CI4 already provides explicit support for this type of development in the built-up area.

The Minister does however recognise the benefit of designating the site to provide more assurance as to the delivery of this much needed facility, which is ultimately the responsibility of the Minister for Infrastructure.

On this basis, the Minister would be **minded to accept** the amendment, as read.

Minister's recommendation

The Minister recommends that the inspector considers the proposed amendment and the Minister's position in relation to it.

Minister's intention

In respect of amendment 10, the Minister would be **minded to accept** the amendment, as read.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 12 - Policy CI5 - Field MN727 - Proposed sports and leisure site

Relevant policies

CI5 – Sports, leisure and cultural facilities

Summary of representations received

A representation has been received seeking the designation of field MN727 in St Martin to a sports and leisure site, to provide an indoor cricket venue with supporting health, fitness and wellbeing activities to include studios, a modern equipped gymnasium, toilets and shower rooms.

Proposed site:



Minister's detailed comments

Field 727 is an agricultural field situated to the south of Rue de la Maitrerie, west of St Martin's village. The land lies within the green zone, entirely remote from the defined village centre.

The Minister does not consider it appropriate to designate this land for a new sports and leisure facility, owing to its unsustainable location and the significant harm that such a facility would have on the character and nature of this rural area, including the loss of agricultural land.

Proposed policy CI5 is clear that the Minister wishes to focus new large-scale sports and leisure facilities within the primary and secondary centres, or within the sites designated as sports and leisure enhancement areas. Not only is the site not within, or near, the primary or secondary

centres, it would also go significantly beyond the sites already identified as sports and leisure enhancement areas in the draft Plan, where each site proposed for designation is either within the built-up area, or immediately adjacent to it with the land already in sports and leisure use.

Whilst the Minister seeks to ensure the draft Bridging Island Plan is able to accommodate all sports facilities to the benefit of islanders, this is not the right location for a sports and leisure facility. It is acknowledged that there are existing cricket facilities to the east of the of field MN727, but this alone cannot be the justification to significantly intensify a sports and leisure use in a rural location, where such a rural location is not justified for the type of activity intended on the site.

Minister's recommendation

The Minister recommends that the inspector considers the proposed designation of field MN727, and in doing so, has particular regard to the purpose and intent of the spatial strategy (SP2), the places chapter (PL5), and the aspirations for the appropriate delivery of sports and leisure facilities (CI5).

Minister's intention

It is the Ministers intention to **disregard** this proposed site for the reasons set out in the detailed comments of the statement response.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 13 - Land to the south of Strive, St Peter (fields P789B, P898 & P789A)

Relevant policies

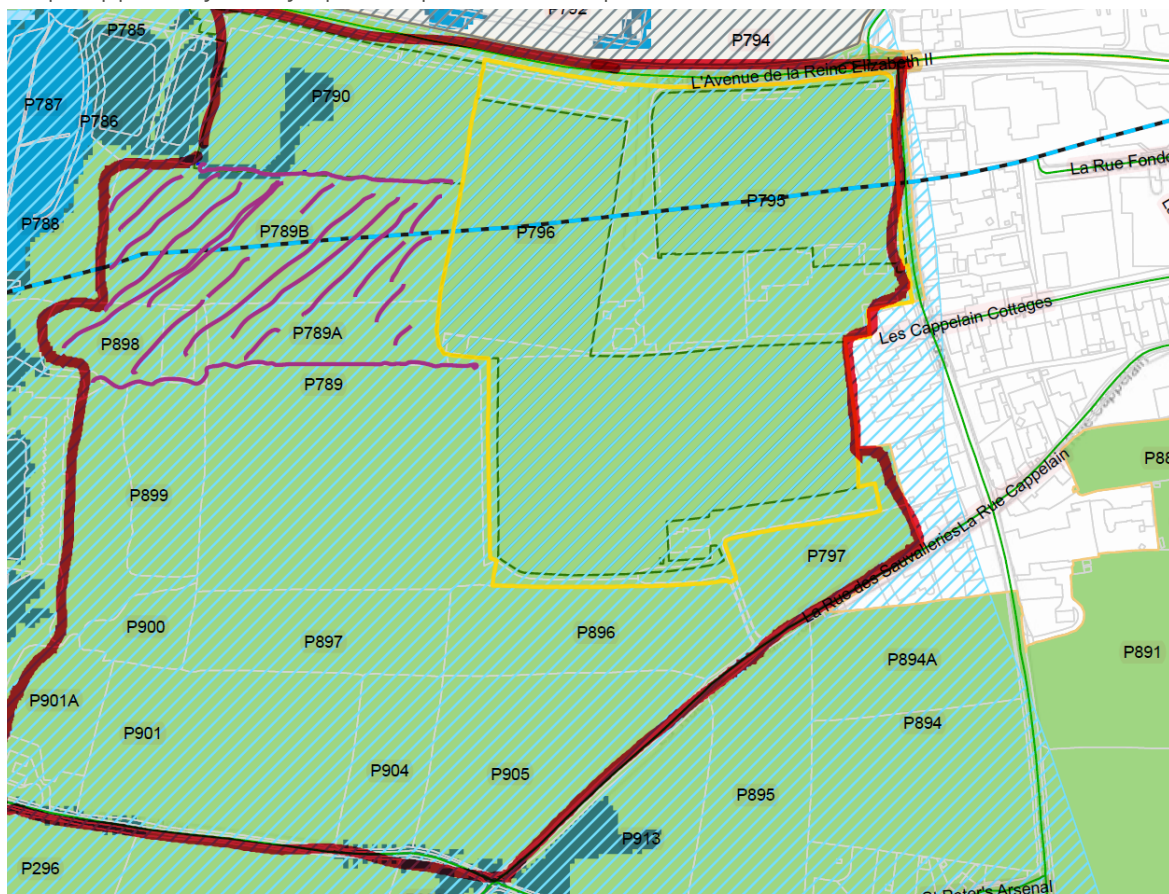
CI5 – Sports, leisure and cultural facilities

CI6 – Provision and enhancement of open space

Strategic proposal 4 – A west of island planning framework

Summary of representations received

- two representations (Jersey Sport and Strive) have been received seeking the designation of land to the south of 'Strive' (a private health and fitness facility) (fields P789B, P898 and P789A) in St Peter as a sports and leisure enhancement area within Policy CI5.
- map supplied by Jersey Sport as part of their representation:



- Strive: [\[View full response\]](#)

Minister's detailed comments

Proposed Policy CI5 is clear that the Minister wishes to focus new large-scale sports and leisure facilities within the primary and secondary centres, or within the sites designated as sports and leisure enhancement areas. The land to the south of Strive is immediately adjacent to the already identified 'sports and leisure enhancement area' at the Jersey Rugby club. Therefore, the assessment of the site can be broadly aligned to that of the Jersey Rugby Club site in the

'Community facilities and open space: assessment of sites' report¹, with the exception that the land identified in this representation for fields P789B, P898 and P789A is not already and in sports use, and the impact of such a designation would therefore be materially different.

Fields P789B, P898 and P789A are agricultural fields which are believed to be in active use.

As the previous site assessment for the Jersey Rugby Club establishes, there are known aspirations for the further development of this area for sports use, and potentially, the development of an Island Stadium. Plans for this are not sufficiently developed to allow the Minister to consider the type of impact that a broader designation for this use may entail, but the Minister does acknowledge that due to the proximity to the secondary centre, sports use in this area could have some sustainability benefits, and in particular, benefits to the community and economy of Les Quennevais and wider west of the island.

With specific regard to the proposed designation of P789B, P898 and P789A, the Minister acknowledges the potential benefits of developing the land to the south of Strive, particularly as it is suggested to include the development of netball courts which would meet an identified need, and also that the private investment would reduce the pressure on Government to fund and develop these facilities on an alternative site, as is set out in the representations made by both Jersey Sport and Strive.

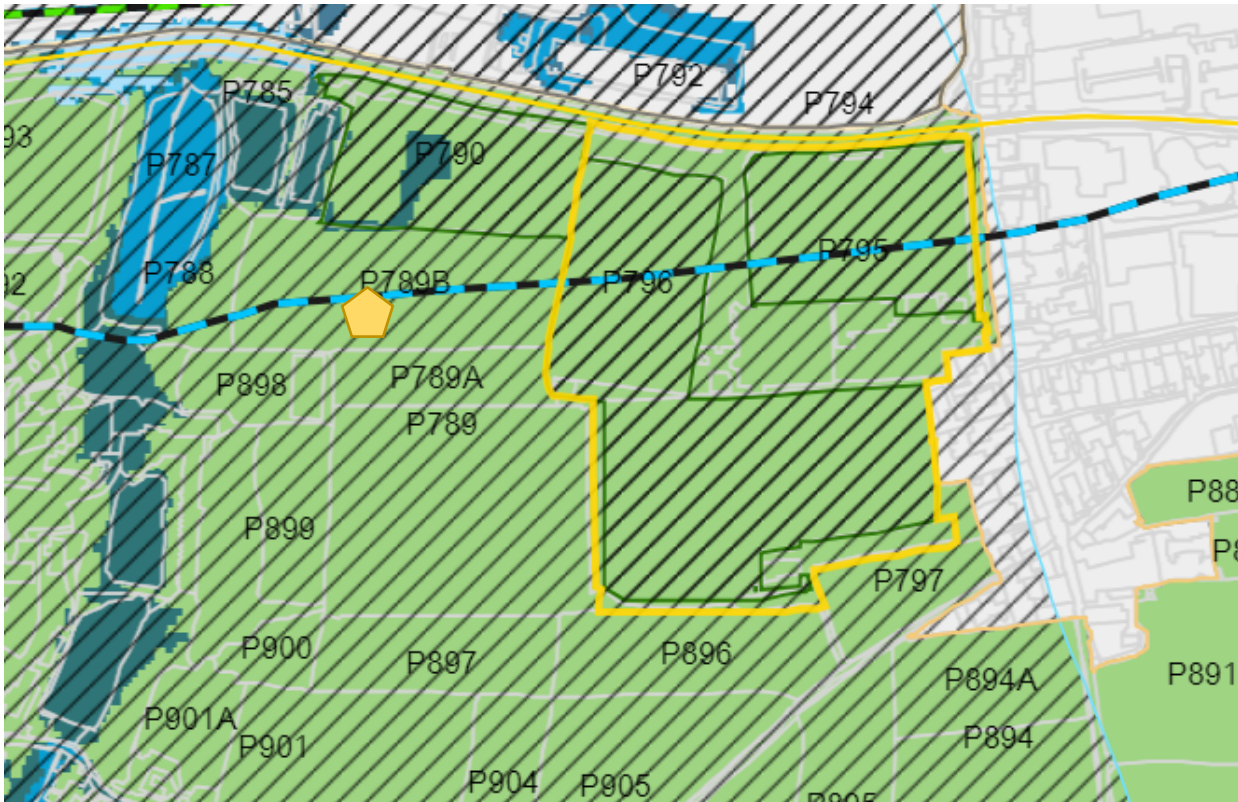
Whilst the land is flanked to the north and east by existing sports use, the land is not in a sports use and therefore a designation to as a 'sports and leisure enhancement area' is not considered appropriate, not least due to the agricultural and green zone status of the land. However, in recognition of the potential benefits that the development of this land could bring for sports in Jersey, the Minister would instead consider identifying the area as a 'sports and leisure area of potential'. This designation would identify the area for potential sports and leisure growth, but which will only be supported where the public benefit and contribution to local sport is proven to outweigh the loss of agricultural land and any such wider impacts.

This designation would involve inserting the following words into Policy CI5 - Sports, leisure and cultural facilities, after "5.) Key opportunity sites in the Southwest St Helier Planning Framework Area.", insert:

"The development of sports and leisure uses may also be supported in the identified sports and leisure area of potential (St Peter), but only where the public benefit and contribution to the viability and success of local sports can be proven to outweigh any loss or harm to the landscape and agricultural land."

The Minister proposes that this designation is identified as a symbol on the proposals map, and not a site boundary. This is because whilst the identified fields have been put forward, the spatial requirement has not been confirmed, and therefore, there should remain flexibility to test the appropriate area/land parcels through any future planning application:

¹ [Community facilities and open space: assessment of sites'](#)



Whilst the Minister notes the ambition raised by Jersey Sport to embrace a wider area for growth into the longer term as a west of island sports hub (as highlighted by the red line on Jersey Sports proposed map), in the absence of a clear plan – and therefore demonstrable benefits - there is insufficient basis for this to be included in the Bridging Island Plan and potential loss of agricultural land and impact upon landscape character not yet justified. This ambition may however be considered in the development of the subsequent Island Plan, and/or the development of a west of island planning framework, should the ambition progress further.

Minister's recommendation

The Minister recommends that the inspector notes the representations raised in respect of these fields, and also the Ministers expressed support to include the land as an area of potential.

Minister's intention

It is the Minister's intention to amend policy CI5 to include land in the vicinity of P789B, P898 and P789A as a 'sports and leisure area of potential', as set out in the statement above and in the Minister's proposed modifications schedule.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 14 - Policy CI5 - Springfield sports and leisure enhancement area

Relevant policies

CI5 – Sports, Leisure and cultural facilities

Summary of representations received

- a States Member amendment (See: [Amendment 08](#) (Deputy Robert Ward): Springfield development) in relation to the designation of Springfield as a sports and leisure enhancement area, seeks to amend the text of condition attached to the designation as follows:
 - 3. Springfield Stadium – but only where the redevelopment maintains ~~or increases~~ the proportion of freely accessible outdoor space for use by the public ~~or increases the proportion of freely accessible public green space~~'.
- Jersey Sport have submitted a representation seeking the entire replacement of the condition attached to the designation, as highlighted in red:
 - 3. Springfield Stadium – "but only where the redevelopment or expansion can demonstrate it is essential to ensure the stadium can continue to meet the need of football on Island and to ensure the stadium can comply with the required ground standards or to function as a sport and fitness venue. The development scheme must also demonstrate any loss of green space is minimised and offset by community activity within the programme of the expanded/altered venue

Minister's detailed comments

The Minister notes that since the end of the consultation, a separate proposition has been lodged and debated by the States Assembly, which is material to the consideration of the Springfield designation in Policy CI5. P.67/2021 Springfield – Protection of amenity space and facilities¹, lodged by the Connétable of St. Helier, requested:

"the Minister of Infrastructure, and the Minister of Economic Development, Tourism, Sport and Culture –

(a) in respect of Springfield Park –

(i) to maintain the same amount of open amenity green space and tree planting in the grounds of Springfield Stadium in the course of upgrading the pitch;..."

This proposition was agreed by the States Assembly and, therefore, the Minister has considered the representations made to the draft Bridging Island Plan consultation having regard to this recent decision.

The Minister notes that part (a)(i) of P.67/2021 has a similar effect to amendment no.9 proposed to the draft Bridging Island Plan, insofar as it seeks to ensure that the amount of open, green space is maintained on the site when works are carried out. The Minister notes the Assembly has effectively confirmed its support for Amendment no.8 by their agreement to P.67/2021, and confirms that the

¹ [Proposition P.67/2021 Springfield – Protection of amenity space and facilities](#)

spirit and intent is also agreed from a plan and placemaking perspective, which has been explained in the assessment of the site in the "Community facilities and open space: assessment of sites" report².

In respect of Jersey Sport's request for the condition attached to the Springfield designation to be replaced in light of their aspiration and need to further develop the site in response to success and progression of the Jersey Bulls football team, the Minister disagrees with the reasons provided in the representation that the condition proposed in the draft Bridging Plan would "sabotage" the need for Springfield to continue to act as the only football stadium in the island. Setting aside the recent decision of the assembly (which is wide in its scope and beyond the relevant planning issue highlighted above), the Minister is confident that the requirement of Policy CI5 can be incorporated into future plans for the development of the site, and it would rest with the developer to consider how the needs of both the football club and wider public can continue to be accommodated on the site.

Whilst Springfield does serve as the island's only football stadium, it is also a building and outdoor space which is, and always has been, a multi-user facility which benefits the wider public of Jersey, and in particular, the residents of the north of Town area.

The Minister is supportive of the development of sports and leisure facilities in the island and has sought to positively respond to pressing need for new and improved facilities through the draft Bridging Island Plan. By virtue of the designation as a sports and leisure enhancement area, support is given for the further development of this site for any related purpose, with the application of a condition to the designation very specifically recognising that there are competing pressures in this area of Town related to increasing community access; pressures which Jersey Sport are cognisant of in the wider work that they do

The Minister therefore cannot accept Jersey Sport's proposed change to the condition, but does highlight that should the condition set-out in Policy CI5 prove to be problematic in the development of plans to improve the football facilities at Springfield, that there exists sufficient flexibility in planning decision making process to consider whether or not there are over-riding considerations, or mitigating factors, that may justify a reduction in the amount of open space available on the site.

Minister's recommendation

The Minister recommends that the inspector considers the designation of Springfield as a sports and leisure enhancement area, and the representations raised in relation to the condition attached to this designation.

Minister's intention

The Minister is minded **to accept** amendment no.9, as read, with the effect of altering Policy CI5 as follows (in red):

3. Springfield Stadium – but only where the redevelopment maintains ~~or increases~~ the proportion of freely accessible outdoor space for use by the public or increases the proportion of freely accessible public green space.

² [Page 29-31, Community facilities and open space: assessment of sites'](#)

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 15 - Policy CI5 - FB Fields - proposed sports and leisure enhancement area

Relevant policies

CI5 – Sports, Leisure and cultural facilities

Summary of representations received

Jersey Sport have submitted a representation seeking the designation of FB Fields, La Grande Route de St Clement, St Clement as a sports and leisure enhancement area, within Policy CI5.



Minister's detailed comments

The Minister welcomes the request to include FB Fields as a sports and leisure enhancement area, and recognises the significant opportunity that the regeneration and improvement of this well-established sports site can provide, particularly for the east of the island which has an acknowledged deficiency in sports and leisure facilities to serve its population.

Minister's recommendation

The Minister recommends that the inspector considers the designation of FB Fields as an additional sports and leisure enhancement area within Policy CI5.

Minister's intention

It is the Minister's intention **to amend** Policy CI5 to include FB Fields, La Grande Route de St Clement, as a sports and leisure enhancement area.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 16 - Policy CI6 - Provision and enhancement of open space - field J371, St John

Relevant policies

Policy CI6 – Provision and enhancement of open space

Summary of representations received

A States Member amendment has been received seeking an additional designation to be made by Policy CI6:

- [Amendment 33](#) (Connétable of St. John): Field J371, St John

In summary, this amendment seeks to:

- Introduce the words 'or enhanced' to Policy CI6
- Designate Field J371, La Rue Gombrette for the provision of new or enhanced open space.

Site map:



Minister's detailed comments

The site lies within the defined built-up area and is also designated as protected open space, within both the extant Island Plan and the proposed Bridging Island Plan. The land in question is in agricultural use, and therefore, Policy ERE1 - Protection of agricultural land would also apply when considering a change of use.

As the site is both within the built-up area and designated as protected open space, the development of the site for public space would not be a particular challenge to those policies. The matter of the land being in agricultural use would however be a particular point of consideration, where the proposed public space would have to demonstrate the loss of agricultural land is outweighed by the benefit of the development. Furthermore, any proposed parking on the site, as alluded to in the amendment, would need to be considered as to how this would be consistent with the need to promote sustainable travel.

A designation for the provision and enhancement of open space would not override these considerations, as the plan must be taken as a whole. Indeed, the loss of good agricultural land and the new parking provision would need to be tested how this balances with the public benefit.

Therefore, on the basis of the site already being in the built-up area and designated as protected open space, the Minister considers it appropriate to leave the site without an additional designation, and to test any future proposal that may be brought forward by the Parish based on its relative merit and compliance with the plan.

Minister's recommendation

The Minister recommends that the inspector considers the proposed amendment and the Minister's position in relation to it.

Minister's intention

The Minister is **not minded** to accept amendment 33.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 17 - Warwick Farm/ St Helier Country Park amendments

Relevant policies

Proposal - St Helier Country Park

Policy Cl6 – Provision and enhancement of open space

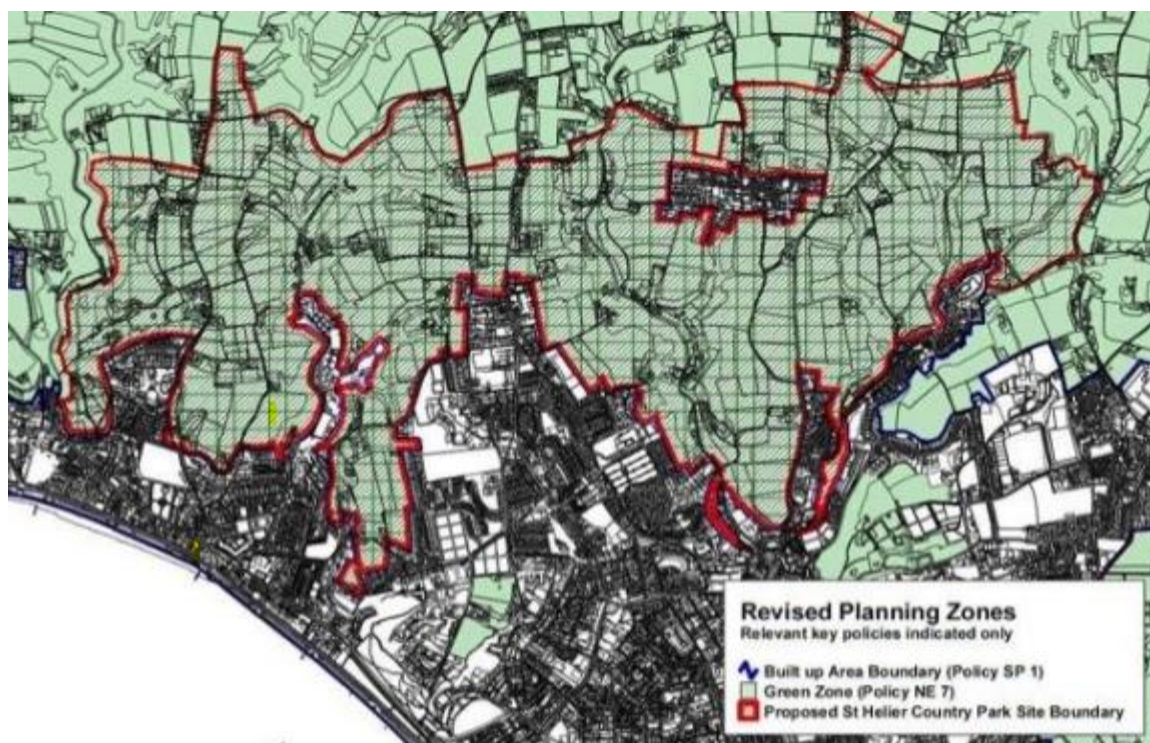
Summary of representations received

Two States Member amendments have been made in relation to this policy:

- [Amendment 31](#) (Connétable St Helier): St Helier Country Park

In summary, this amendment seeks to:

- Introduce a specified time for the development of the country park to take place, namely, upon the expiry of the site's present lease in January 2023.
- To require the Council of Ministers to establish a project board to develop proposals to be included in the next Government Plan in order that the St. Helier Country Park can be delivered during the period covered by the Bridging Island Plan
- Require the development of the country park to reflect an investigation and report by the Council of Ministers on opportunities to incorporate adjacent areas of countryside into the park in the future, in line with the map below:



- [Amendment 47](#) (Deputy Kirsten Morel): Warwick Farm

In summary, this amendment seeks to:

- Delete Proposal [25] – St Helier Country Park in its entirety
- Remove the specified safeguarding of the site in Policy Cl6 – Provision and enhancement of open space

Minister's detailed comments

Amendments 31 and 47 are considered to be directly opposing in their objectives in relation to the future of Warwick Farm. Amendment 47 seeks to challenge the principle of its designation in favour of its retention in employment use, and Amendment 31 seeks to commit the development of the park to a defined time, and establish both a project board and a specified scope.

Background and policy context

From a land use perspective, it is the responsibility of the Minister for the Environment to develop a plan which represents the sustainable use of land, in a manner which best serves the interests of the community. Employment land uses are vitally important for the community and so is sufficient recreational amenity space – especially in parts of the island which can be of benefit to town residents. The Minister has provided a reasoned justification for the designation of the site for future community use in both the 'Community facilities and open space: assessment of sites' report¹ and in the draft Plan.

The reason for establishing the proposed use in the Bridging Island Plan is to set the expectation for the site's next use, thus allowing both funding and planning permission to be obtained during the Bridging Island Plan period. The draft Bridging Island Plan acknowledges that the site is presently leased, and that the development of a country park should be upon cessation of this use. The community assessment of sites report also states that "given the site is presently leased for horticultural use, the designation should be made on the basis of its next use, when the site becomes available". Therefore, the draft plan allows appropriate flexibility for the development to happen at the right time, which should have regard to any impact associated with displacing the employment use. The States of Jersey, as owner of the site, will need to decide when this appropriate time may be.

The present lease holders operate a hemp farm from the site which requires specific infrastructure for its operation, meaning a relocation may not be straightforward.

It is noted that the present lease for Warwick Farm ends in 2026 and this has a development break-clause available on 1st January 2023, only. This break-clause requires the States of Jersey to have served notice 12 months in advance of this date, meaning that notice must be served by 1st January 2022 (before the Bridging Island Plan will be approved). This amendment will therefore not be debated in time for the desired effect to be given.

The occupants of the site will be well-aware of the uncertainty surrounding the longevity of their lease as development aspirations have centred on this site for several years, however, the exercising of the break-clause must be for a clear purpose with overriding public benefit. The principle of developing the site as a country park will not have been agreed, scoped or funded by January 2022, and therefore, it is most unlikely that the clause can be exercised. It should be emphasised here that the lease arrangements on this site are a matter of concern to the States of Jersey as a responsibility administered by the Minister for Infrastructure, and that the Island Plan is not the correct vehicle to determine what happens to a lease, in any event.

¹ ['Community facilities and open space: assessment of sites' \(p.41-42\)](#)

The Minister acknowledges that the displacing employment use may create pressure for additional structures in the countryside, if appropriate existing premises are not found by the occupying business. The Minister does however note that there is approximately 155,000 sqm of glass housing in Jersey, with only around half of that being actively used for production in the last 12 months. This means there is notable potential for under-used sites in horticultural use on the island which could be accessed, even if this requires some redevelopment to ensure they are to the standard required for the business.

To support the continuation of the business operation of the present occupant, there is an enabling development policy in the draft plan (Policy GD4 – Enabling or linked development²), which could be appropriately used to support the development of alternative facilities for the hemp farm, to enable the delivery of Warwick Farm as a country park as a key community infrastructure project.

The draft Bridging Island Plan also establishes a positive set of principles to ensure that the needs of businesses which support or diversify the rural economy can be met, including:

- **Policy EI1 – Existing and new industrial sites and premises**, which will be supportive of new industrial premises where this supports rural diversification; or make use of existing buildings.
- **Policy ERE2 – Diversification of the rural economy**, which will support diversification of the rural economy where the development is within the built-up area, or in the case of development outside the built-up area, the nature of the proposed use genuinely necessitates and is appropriate to its proposed location; and it will complement and support an existing business, contributing to the maintenance of the rural economy.
- **Policy ERE5 – New or extended agricultural buildings**, which will support new agricultural buildings will only be supported where they are clearly demonstrated to be incidental and essential to the viability or running of the holding; where existing buildings on the holding or within reasonable proximity of it – as may be available for purchase or lease – cannot, with or without adaptation, be used for the proposed purpose; and, they are well-related to existing buildings and is appropriate in scale, location, design, material and colour to minimise its visual impact and to integrate with the character of the area.

Response to amendments lodged

It is on the basis of the above that the Minister considers there to be sufficient flexibility in the draft Bridging Island Plan to ensure that the development of a country park takes place at a time which is appropriate, and that there is adequate provision to ensure that any such displaced business activity can be accommodated elsewhere. The Minister is therefore **not minded to accept**

² Enabling or linked development is the term given to a development proposal that is in a location outside of a principal development site but which is demonstrated to be necessary to make the principal development viable, or to manage or mitigate a planning impact of the principal development. Examples of enabling or linked development include where additional development is required to enable a development that will lead to a significant environmental, community or economic benefit to the island, such as the delivery of key public infrastructure projects.

amendment 47 in its entirety, and retain the proposal for the next use of Warwick Farm to be a country park, to the benefit of the community.

In respect of Amendment 31, the Minister appreciates the desire of the Connétable of St Helier to ensure that the site is brought into a beneficial community use as soon as possible. The matter of the extant lease is important, but must be a matter handled outside of the Bridging Island Plan. A more appropriate vehicle to have this important discussion may centre around the Government Plan to establish a prioritisation to deliver the site at a given time, and secure funding for the project to go ahead.

The Minister also notes that the amendment asks for the development of a country park to commence in 2023 'upon expiry of the lease', but this lease does not expire until 2026, and also that the point of being able to exercise the break-clause will have passed by the time the amendment is debated. The Minister is therefore **minded to not accept Amendment 31 (a)** in its present form.

With regard to the remaining parts of amendment 31:

- Part (b), which would require the Council of Ministers to establish a project board to develop proposals to be included in the next Government Plan in order that the St. Helier Country Park can be delivered during the period covered by the Bridging Island Plan.

The Minister is generally supportive of amendment 31 part (b) as the establishment of a project board can usefully consider how to appropriately deliver the site, having appropriate regard to the issue of the extant lease, consider the role of enabling development, and to make use of the Government Plan as an appropriate vehicle to prioritise the work and source the necessary funding. However, due to the timing and issues highlighted in part a), the Minister is not presently minded to accept on the basis that it is unlikely to be deliverable.

- Part (c), which would require the development of the country park to reflect an investigation and report by the Council of Ministers on opportunities to incorporate adjacent areas of countryside into the park in the future.

The Minister is supportive of the amendment 31 (b), as this would be consistent with the Minister's aspirations set out in the Countryside Access Strategy (2016).

Minister's recommendation

The Minister recommends that the inspector considers the proposed amendment and the Minister's position in relation to it.

Minister's intention

In respect of amendment 47, the Minister would be minded to **not accept** the amendment, in its entirety.

In respect of amendment 31 the Minister is not minded to accept **(a) and (b)** and would be minded to accept **part (c)**

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 18 - Policy CI7 - Field O630 - protected open space designation

Relevant policies

CI7 – Protected open space

Summary of representations received

- A number of representations have been received in support of the proposed protected open space designation for field O630 in St Ouen.
- a representation has been received from the landowner (St Ouen's Parish) objecting to the proposed protected open space designation for field O630.
- a proposed States Member amendment (no.11) (Connétable Richard Buchanan), seeking the removal of the protected open space designation from field O630.
- no public objections have been received.

Minister's detailed comments

Both the landowner objection and proposed states member amendment no.11 incorrectly highlight the Infrastructure Capacity Study (ICS) and 2008 Outdoor Open Space, Sport and Recreation Study (the 2008 study) as being the basis for the proposed designation of protected open space of field O630. The Minister for the Environment contends that neither of these reports form the basis for the proposed designation, but it is noted that they do have some thematic relevance:

- the ICS considers the need for parks, amenity greenspace, play space and natural greenspaces across the island broadly: it measures the potential additional requirement for open space based upon anticipated population growth, and only ascribes this to settlement-type, not specific parts of the Island. This finding is therefore of no direct use in the determination of open space requirements in specific parts of the island.
- the standards alluded to in the 2008 study and mentioned in both the Parish of St Ouen representation and proposed amendment no.11, have not been used as a basis to measure and justify the need to protect field O630. These standards have not been tested or qualified for adoption in rural areas, but its noted they have been tested and qualified for adoption in the Town area which is more dependent on the need for a balanced supply of a range of public spaces (see Policy CI6 – Provision and enhancement of open space and its preamble text, and also St Helier Open Space Audit (2018)). The point raised in these representations highlighting that a prescribed standard for St Ouen's village wouldn't be appropriate due to the nature and proximity of rural and coastal areas is agreed and is the reason why standard has not been used for the assessment.

The explanation of the basis of the proposed designation of field O630 is set out on page 45-46 of the 'Community facilities and open space: assessment of sites (2021)¹. This assessment explains how the site was suggested for protection through the Minister for the Environment's 'Call for Sites' process and explains the reasons why this request was agreed and the protection of the site as an important open space proposed. This report should be referred to for further information.

¹ [Community facilities and open space: assessment of sites \(2021\)](#)

The primary basis of the representations received against the designation proposed in the draft Bridging Island Plan is that the Parish (as the Parish administration and landowner), believes the land would be better used for the development of homes for older parishioners. The Minister highlights that at a size of 0.14Ha, the land would make only a minimal contribution to housing supply, which will be further limited due to the proximity of neighbouring properties to the north and east. The Minister also highlights that the draft Bridging Island Plan proposes the designation of fields O594 and O595 for the development of affordable homes, which will yield between 30-45 new homes and offers the opportunity for the provision of some right-sizing homes to be provided.

The representations ask for qualification that level of protected open space in St Ouen’s village centre compares poorly to some other local centres. The below images show the amount of protected open space within comparable village centres, in the extant Revised 2011 Island Plan (see green hatched areas within defined built-up area (white):



Minister's recommendation

The Minister recommends the inspector considers the relative merits of the intent of the draft Bridging Island Plan to designate field O630 as protected open space in light of its amenity contribution to the St Ouen's village centre, and in doing so, also consider proposed amendment no.11 to P.36/2021 which proposes this land not be protected and remain available for the development of homes.

Minister's intention

It is the Minister's intention to **not accept** amendment no 11, and maintain the proposed protected open space designation for field O630

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 19 - Policy CI7: Protected open space - Corbière Walk

Relevant policies

Policy CI7 – Protected open space

Summary of representation received

- Amd P.036/2021 (15) Protected open space – Corbière Walk
- to bring an additional layer of protection to both the land at Pont Marquet Country Park and the Corbière Walk (better known as the Railway Walk) by designating them as protected open space (see attached plan)

Minister's comments

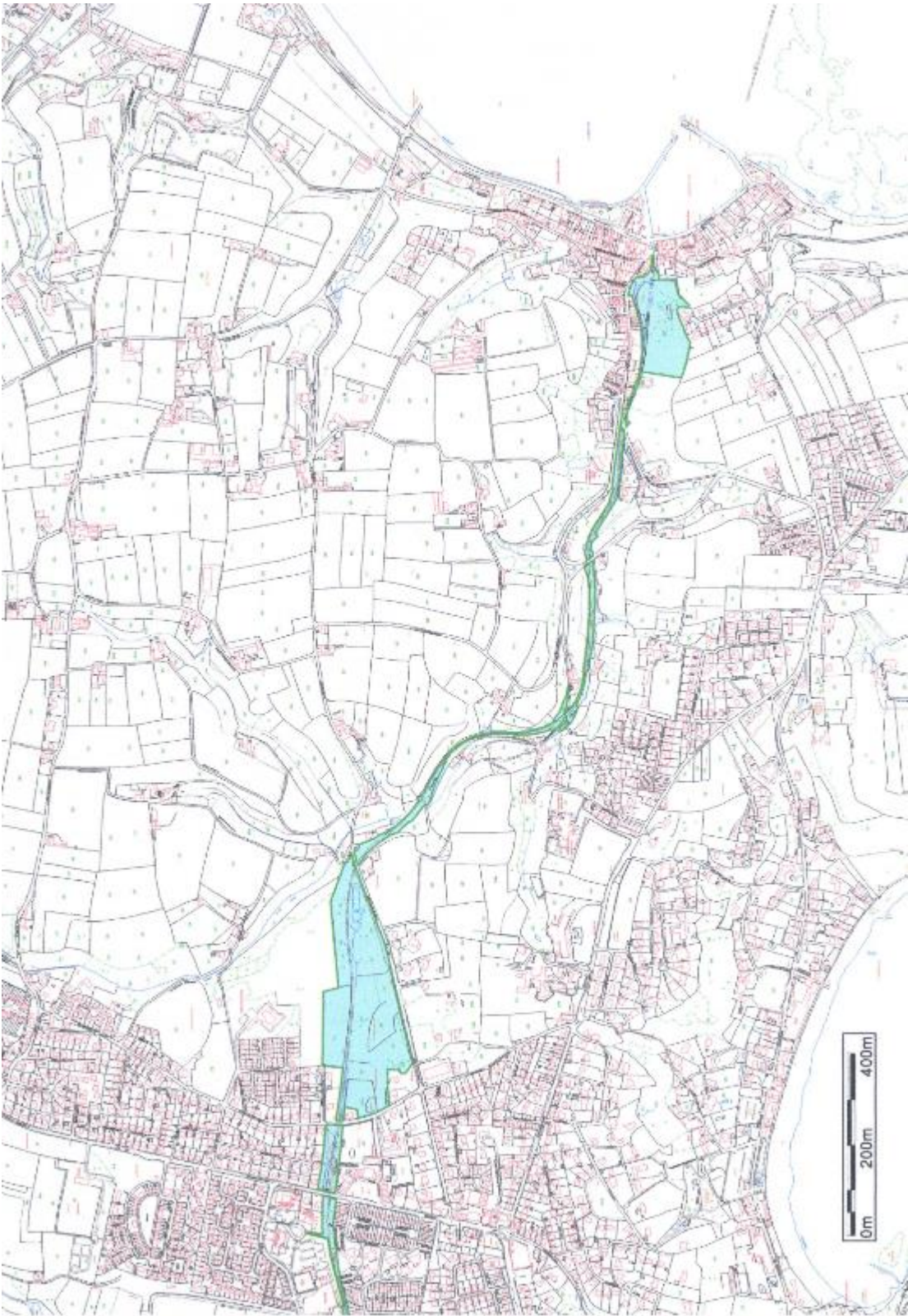
The Minister wholeheartedly supports the objectives behind this amendment and considers that it is consistent with the need to identify and protect important areas of public open space in the island.

Minister's recommendation

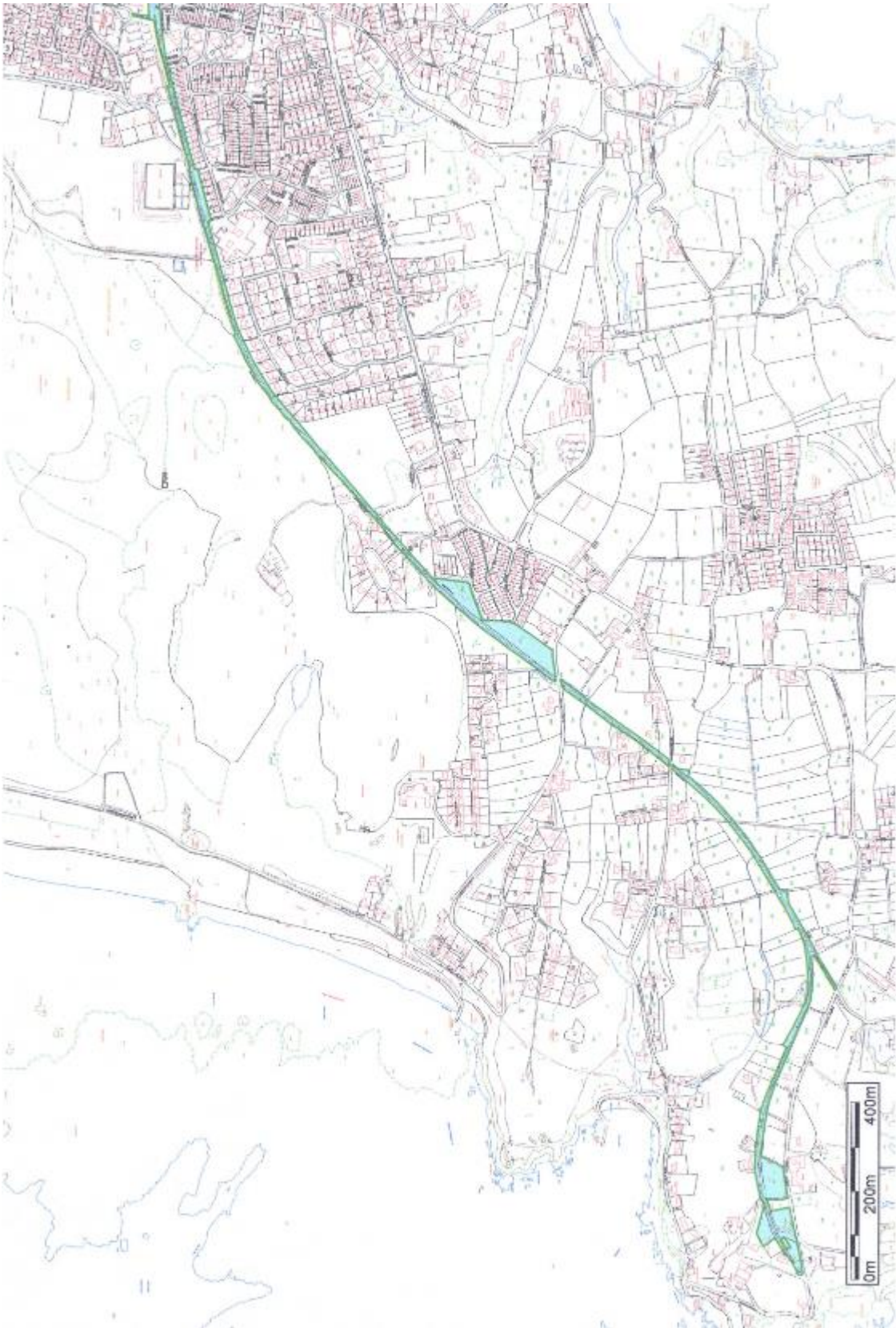
The Minister for the Environment recommends that the planning inspector notes this proposed amendment.

Minister's intention

The Minister for the Environment is **minded to support** the proposed amendment.



Area to be designated as protected open space (1)



Area to be designated as protected open space (2)

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 20 - Policy CI8 - Space for children and play amendments

Relevant policies

CI8 – Space for children and play

Summary of representations received

Two States Member amendments have been made in relation to this policy:

- [Amendment 03](#) (Deputy Inna Gardiner): Play area proximity

In summary, this amendment seeks to:

- a.) reduce the travel distance for new space from 10 minutes' walk/ 1000m distance to 5 minutes' walk / 500m distance
- b.) provide flexibility for alternative delivery if the travel distance cannot be met, with a supporting justification to be provided
- c.) introduce a new proposal seeking the development of a play strategy
- d.) introduce a new proposal seeking the development of supplementary planning guidance for developers.

- [Amendment 05](#) (Deputy Louise Doublet): Children's play space

In summary, this amendment seeks to:

- a.) Include emphasis for the need to help children access and spend time in nature
- b.) ensure that reference is made to 'safe' travel distances
- c.) to also a description of the type of space which would be expected as part of the delivery.

The consequential amendment to the policy, should the amendments be accepted, is provided in the Minister's detailed comments.

Minister's detailed comments

The Minister has provided comment in relation to both of these proposed amendments, as provided below:

Amendment 03 (Deputy Inna Gardiner): Play area proximity:

Part (a) and (b) of this proposed amendment (in red) would cause Policy CI8 to be read as follows:

Policy CI8 – Space for children and play

All new major development should consider how it will contribute towards helping children to be safe, active, social and imaginative. Design statements issued with development proposals must explain how this has been considered in the design stages of the development, from a placemaking perspective.

Development proposals providing between five-ten family homes (2+ bedrooms), are required to provide appropriate communal space for play on-site where possible, or otherwise make a contribution to the provision of new or enhanced space for play within 5 minutes walking distance, or 500m from the site.

Development proposals providing more than ten family homes are required to provide appropriate communal space for play on-site, unless it is agreed that there are exceptional circumstances where an off-site contribution may be permitted; and/or when an off-site contribution will lead to a substantial betterment in provision and will be within 5 minutes walking distance, or 500m from the site.

If any such agreed, off-site contribution cannot be met within the specified distance, new play space must be provided elsewhere and evidence of options considered must be provided, together with a justification for the proposed location and an explanation as to how this will benefit the occupants of the development.

Space for play must be delivered before the first occupation of the development, and this will be secured by planning condition.

Response to parts (a) and (b) – the Minister appreciates the objective of this amendment to reduce the travel distance for child occupants of a development so that they can more-easily access space which has been provided for their benefit. Whilst the Minister agrees with this principle, it ought to be highlighted that the travel distance proposed in the draft Bridging Island Plan has been set at a level which the Minister feels to be reasonably deliverable, having regard to the constrained availability of land in Jersey, and in particular, in St Helier. Reducing this distance will therefore inevitably increase the difficulty of meeting the objectives of the policy.

The Minister acknowledges that the proposed reduced travel distances have been met with an additional clause (through part (b) of the amendment) to ensure that there is an alternative route to delivery should the provision of play space within the specified distance not be deliverable. This does go some way improve the deliverability of the proposed amendment but is not without risk that the clause will become the default answer, and will therefore be open to an unlimited distance on the basis of justification. The original wording of the policy is more specific at 10min/1000m and no alternative clause.

On this basis, the Minister would be minded to **not accept** part (a) and (b) of amendment 03 as the wording of the original policy CI8 is deemed to be set at a more deliverable distance, and is more specific, which will in-turn lead to a more consistent outcome to the benefit of children.

Part (c) and (d) of the proposed amendment 03 would lead to the inclusion of two additional proposals, to be read as follows:

New proposal – Development of a play strategy

The Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and the Minister for Children and Education, to develop a play strategy for the Island, with a specific focus on play area provision in St. Helier.

New proposal – Supplementary planning guidance for space for children and play

The Minister for the Environment will develop and publish supplementary planning guidance for developers in relation to the provision of play space.

Response to parts (c) and (d) – the Minister is supportive of the principle to develop a play strategy in collaboration with the Minister for Economic Development, Tourism, Sport and Culture, and the Minister for Children and Education, and notes the real benefit to the wellbeing of children which could be realised through such work. The deficiency of available play space across the island is well recognised, and any work to support the resolution of this issue is welcome, particularly as it will be complimentary to the Policy CI8 and may support its effective implementation.

As the development of a play strategy would be helpful to the implementation of Policy CI8, the Minister is also supportive of the development of supplementary planning guidance in response.

On this basis, the Minister would be **minded to accept** part (c) and (d) of amendment 03.

Amendment 05 (Deputy Louise Doublet): Children's play space

Part (a), (b) and (c) of this proposed amendment would cause Policy CI8 to be read as follows

Policy CI8 – Space for children and play

*All new major development should consider how it will contribute towards helping children to be safe, active, social and imaginative **as well as helping children access and spend time in nature**. Design statements issued with development proposals must explain how this has been considered in the design stages of the development, from a placemaking perspective.*

*Development proposals providing between five-ten family homes (2+ bedrooms), are required to provide appropriate communal space for play on-site where possible, or otherwise make a contribution to the provision of new or enhanced space for play within 10 minutes **safe** walking distance, or 1,000m from the site.*

*Development proposals providing more than ten family homes are required to provide appropriate communal space for play on-site, unless it is agreed that there are exceptional circumstances where an off-site contribution may be permitted; and/or when an off-site contribution will lead to a substantial betterment in provision and will be within 10 minutes **safe** walking distance, or 1,000m from the site.*

In the first instance, developers should seek to include as much green or natural play space as possible. Play space could also be provided as outdoor play equipment, playscapes (landscape design that incorporates play features), space for ball games and dedicated space that encourages safe bike riding, skateboarding and scootering. In some circumstances, indoor communal space may form part of the space for play contribution, such as communal games rooms or youth facilities. Other types of space for play will be considered where the developer has undertaken appropriate consultation and there is clear evidence of community support.

Space for play must be delivered before the first occupation of the development, and this will be secured by planning condition.

Response to parts (a), (b) and (c) –

The Minister welcomes part (a) and (c) of this amendment, which would provide additional clarity and emphasis to the type and effect of space that is being sought to the benefit of children.

The Minister notes that part (b), seeking to introduce the word 'safe' would be a positive emphasis in the policy, but one which would need to be applied with pragmatism.

The Minister is **minded to accept** part (a), (b) and (c), of Amendment 5, as proposed.

Minister's recommendation

The Minister recommends that the inspector considered the proposed amendments and the Minister's position in relation to them.

Minister's intention

In respect of amendment 03, the Minister would be **minded to not accept** part (a) and (b) and would be **minded to accept** part (c) and (d).

In respect of amendment 05, the Minister would be **minded to accept** part (a) (b) and (c), as proposed.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 21 - Policy CI9 Waterwork Valley: countryside access

Relevant policies

Policy CI9 – Countryside access and awareness

Summary of representation received

- Amd [P.036/2021](#) (27) Waterworks Valley
- enhance countryside access to, and awareness of, Waterworks Valley

Minister's comments

The Minister wholeheartedly supports the objectives behind this amendment and considers that it is consistent with the objective of promoting access to the countryside for islanders and of benefit to mental and physical health and wellbeing.

The Minister would encourage public access and awareness throughout Waterworks Valley and would seek to ensure that the area defined on the proposals map extends to the physical boundary of the valley beyond the northern end of Handois Reservoir (as defined in the ILSCA: see attached plan).

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes this proposed amendment.

Minister's intention

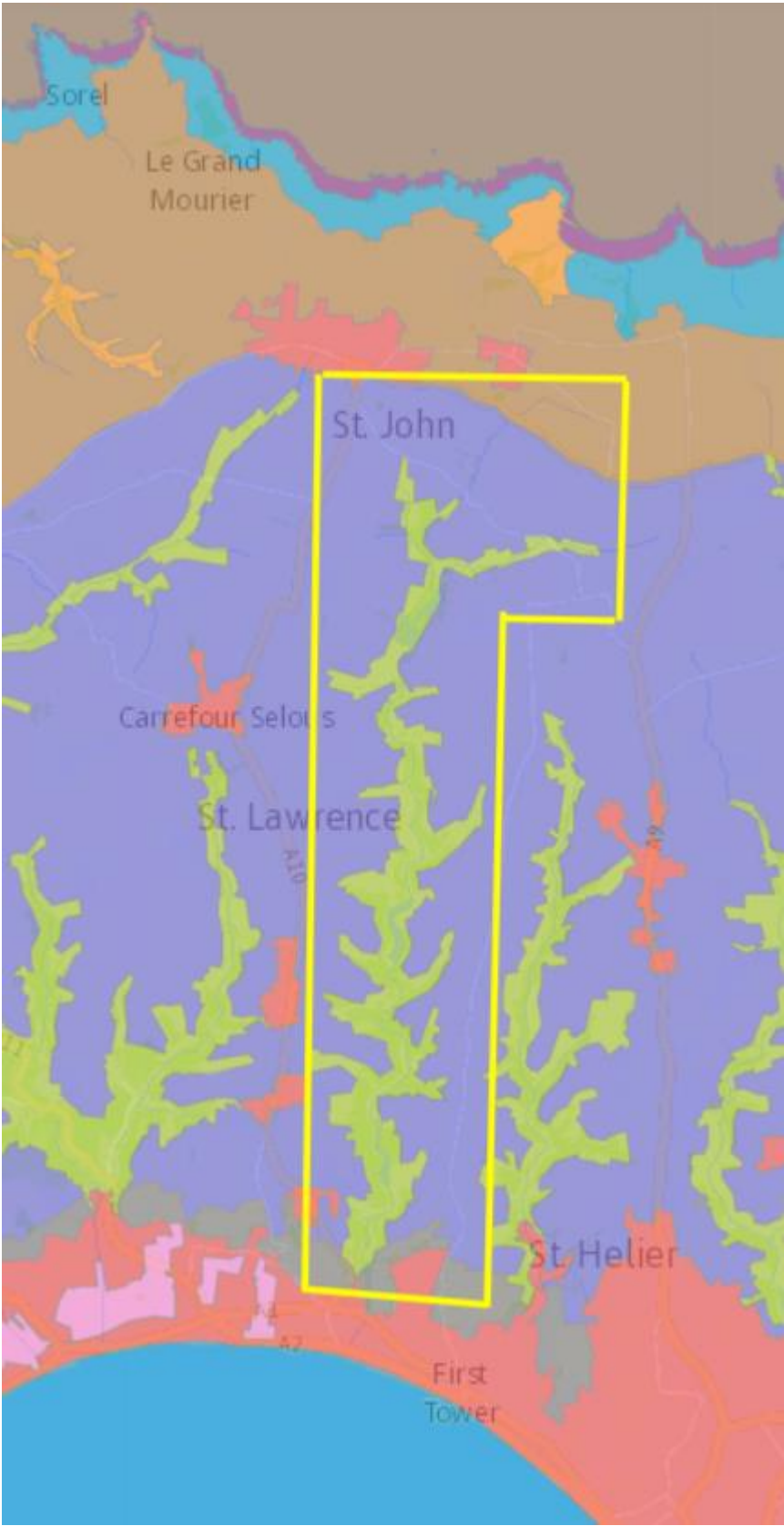
The Minister for the Environment is **minded to accept** the proposed amendment (in red).

Policy CI9 – Countryside access and awareness

Proposals that encourage and enhance public access to the coast and the countryside will be supported where the proposal will not otherwise be to the detriment of the character of the coast and countryside or lead to unacceptable impacts upon biodiversity.

In particular, there will be support for proposals which contribute to the provision of the island's on and off-road walking, cycling, horse-riding, multi-user and disabled-friendly paths, in order to further develop the network of off-road footpaths, green lanes, bridle paths and cycle paths across the island. Additional weight will be given to those schemes that achieve improved access and connectivity to the footpath and bus network and provide opportunities to link built-up areas.

Grands Vaux Reservoir ~~has been identified on the proposals map as a 'strategic countryside access site' and proposals that enable this site to come forward for public access will be supported.~~ and Waterworks Valley have been identified on the proposals map as 'strategic countryside access sites' and proposals that encourage, enable or enhance public access to the countryside here will be supported.



Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 22 - Future affordable housing provision

Relevant policies

Proposal 22 – Future affordable housing provision

Summary of representation received

[P.036/2021](#) (25) Future affordable housing provision

- whilst the draft Island Plan sets out a strategy to provide affordable homes, it is insufficient to meet demand
- in order to address the need for affordable homes, a proportion of new homes delivered by the private sector (outwith sites specifically zoned for the provision of affordable homes) should be affordable
- the draft plan sets out a proposal to introduce this mechanism in the future, with no timescale for implementation
- a policy that gives effect to this is required in this Island Plan;
- it is proposed that a new policy be introduced that is modelled on the previous 'Policy H3' of the 2011 Island Plan, which sought to do the same; supported by supplementary planning guidance, to be prepared and issued by the Minister for the Environment, setting out how the policy would operate. This would set the threshold of residential development to which the policy would apply, together with the proportion of affordable homes to be delivered.
- it is proposed that this policy takes effect from 01 January 2023.

Andium Homes

- Proposals to require private developments to contribute to the provision of affordable housing should be retained in the DBIP and the policy activated as soon as possible.

Minister's comments

The Minister for the Environment shares the aspiration behind this amendment the representations received, and is firmly of the view that the introduction of a policy that delivers a proportion of affordable homes as part of significant residential development schemes is an essential planning mechanism to help meet the island's need for affordable homes. This view is also supported by the outcome of the Housing Policy Development Board¹.

The Minister is, however, concerned to ensure that the introduction of a policy that achieves this needs to be supported by a sound and robust body of evidence that demonstrates and ensures its viability. This is required both to demonstrate to decision-makers and the development industry that the operation of such a scheme is viable in the Jersey context.

Previous attempts to introduce a policy that has sought to secure planning gain – whether in the form of a proportion of housing yield as affordable housing (in 2011); or as a levy on development yield (in 2018) – has not been supported. Whilst significant work was undertaken to assess the viability of securing part of the uplift in land value following the award of planning permission for

¹ See [P3\(8\) Housing Policy Development Board Final Report](#)

public benefit in 2017, there is a need to review and update this part of the evidence base in support of such a policy.

This is required both to establish viability relative to changes in land values and development costs; and to review and establish the thresholds for development where this policy might appropriately apply, together with the proportion of housing yield that might be appropriate.

The Minister considers that, to introduce a policy framework that was developed in 2011, relying on viability data from 2017, without updating it would not be appropriate. Whilst available data identifies that residential values have increased more than build costs indicating that that viability has improved since the Viability Assessment for review of Developer Contributions (Arup and HDH, May 2017) was completed², the Minister would wish to ensure that more detailed work was undertaken both to definitively demonstrate current viability, and also to inform the shape and form of thresholds and proportions to be employed in any new policy.

Given the economic uncertainty created by the pandemic and Brexit, the Minister is of the view that now is not the right time to introduce such a policy; and that it is appropriate to retain a proposal to introduce this mechanism in the next Island Plan, which will take place in the short term. This will provide an opportunity for the requisite detailed work on viability to be undertaken within a more stable economic climate.

The Minister considers that the draft Island Plan sets out a sound strategy for the delivery of affordable homes over the bridging plan period which includes a supply of affordable homes being delivered by Andium Homes, as its key delivery vehicle of affordable homes for rent and sale, involving the use of States'-owned land; together with the rezoning of land, to support sustainable parish communities, whilst meeting island-wide affordable housing needs.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further.

Minister's intention

The Minister for the Environment is **not minded** to accept the proposed amendment to Proposal 22, which would result in the following changes (in red).

the insertion of the following new policy

Policy HX - Future affordable housing provision

Residential development, to which this policy applies, will only be supported where a proportion of affordable housing is provided in accordance with the proportions and thresholds set out in supplementary planning guidance issued by the Minister for the Environment.

The application of this policy will be phased incrementally, subject to monitoring and review, such that:

1. the threshold levels for the scale of the development to which it applies will be incrementally reduced over time. It shall initially apply to schemes with a capacity of five or

² [Draft bridging Island Plan - Viability Note](#)

more homes and is intended to apply to schemes with a capacity of two or more homes after five years;

2. the proportion of affordable housing to be provided will be increased over time. It shall initially be at a rate of 12.5%, rising incrementally to 20% after five years. The percentage of affordable housing shall be rounded up if the figures arrived at contain a proportion of one unit.

The tenure of that proportion of development yield that is to be provided as affordable housing i.e. whether it is to be affordable homes for rent or purchase, shall be determined by guidance issued by the Minister for the Environment.

Schemes that are just below the threshold levels, will have to demonstrate that the proposals do not represent an under-occupation of the site, nor that a large site is being brought forward in phases in order to avoid the threshold at each stage.

Affordable housing shall be provided on the site for which permission is sought unless one or more of the following circumstances apply:

1. that the provision of affordable housing on the site would make that development unviable;
2. that the site is of such a size or nature that the contribution to affordable housing would be maximised by the contribution to affordable housing in the form of a commuted payment, to support the delivery and/or procurement of affordable housing elsewhere;
3. affordable housing is best provided through the mechanism of a site-swap using sites within the ownership and control of the applicant;
4. the housing units provided in a mixed-use scheme are directly related to and necessary for the operation of that development.

The Minister for the Environment will review the parameters which apply to the operation of this policy on an annual basis and, where there is a need for change, will issue supplementary planning guidance to revise one or more of the following: the threshold size of developments to which the policy will apply; the proportion of affordability to be derived from those developments to which the policy applies, including the level of commuted sum tariff; and the tenure of the affordable housing development yield.

~~Proposal – Future affordable housing provision~~

~~The Minister for the Environment will undertake further research into the introduction of a mechanism to deliver a proportion of homes on all housing development sites to be affordable homes.~~

~~The impact on housing supply and viability will be assessed in detail and be the subject of consultation with key stakeholders.~~

~~Any future mechanism would be developed having regard to the need for restrictions to be put in place to ensure that contributions to the proposed Sustainable Communities Fund were viable, proportionate and appropriate in light of the provision of affordable homes.~~

Proposal – Affordable housing

The Minister for the Environment will develop and issue supplementary planning guidance for the operation of this policy in order that it might take effect from, 1st January 2023;

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 23 - Planning assumption and demand and supply of homes

Relevant policies

- Preferred strategy and planning assumption
- Strategic Policy 2: Spatial strategy
- Policy H3: Provision of homes
- Policy H4: Meeting housing needs
- Policy H5: Provision of affordable homes

Summary of representations received

- planning assumption of +800 is too high/too low
- estimate of under supply from previous plan is not evidenced
- the estimate of reduction in supply from the number of households that down-sizing is incorrect
- estimate of housing demand is too high/too low
- the number of proposed rezoned fields is too many/not enough
- the supply of 1-2 beds on rezoned sites is too high on rezoned sites
- there is a need for more family (3 bed homes) on more rezoned sites
- the 45/55 tenure split is wrong

Minister's comments

A variety of comments, representing a broad range of views, have been expressed in the representations made. The Minister has sought to collate and summarise responses to some of the key issues, as follows:

- **Planning assumption of +800 is too high/too low**

The draft bridging Island Plan and the preferred [strategy report](#) set out the considerations for setting the planning assumption for the short-term plan period of +800. In summary, the assumption was developed over the shorter times scale of a bridging plan to mitigate the risks of making long-term plans in the context of uncertainty created by the pandemic and Brexit, whilst based upon the best available data.

At the time of writing (July 2021), we continue to be in a period of uncertainty, particularly with regard to the pandemic and it is considered that the assumptions made are still valid and appropriate for a short-term plan.

- **Estimate of under supply from previous plan is inaccurate and not evidenced**

The existing unmet 1,800-unit shortfall was calculated by comparing the final anticipated supply against final anticipated demand over the plan period. Demand was calculated based on actual migration levels and population growth experienced for the period of 2011-2017 (inclusive) and on population projections with an assumed net migration level of +1,000 for the remaining plan period, using the methodology adopted to calculate the island's housing need: this work was undertaken by Statistics Jersey. Supply was calculated

based on actual completed units for the period 2011-2018 (inclusive), with an estimate based on the known pipeline of builds used for the remaining plan period.

This resulted in a final anticipated supply figure of 4,300 homes and a final anticipated demand figure of 6,100, resulting in an unmet shortfall of 1,800 units.

Since the publication of the draft plan, more recent completion data shows that actual completions for the period 2011 to the end of 2020 was 4,058 (previously estimated as 4,300). Therefore, the updated shortfall is now 2,050 (rounded) and the revised five-year housing development target is increased from 3,750 to 4,000. Overall, this means that, based upon the estimated supply of 4,150 homes, there is still a margin of potential over-supply over the five-year housing development target period.

- **The estimate of reduction in demand from non-development policy options is incorrect**

As stated in the evidence provided by the [preferred strategy report](#), *'The Housing Policy Development Board is currently concluding its report to the Chief Minister. This report will allow for a detailed assessment of the potential to mitigate development through the application of wider housing policy. At this stage, it is considered appropriate to conclude that, as a minimum, Government might seek to address 5% of the identified housing requirement (rounded to 200 units) through non-development policies.'*

This report has now been published and work is currently underway, under the auspices of the Minister for Housing and Communities Housing Action Plan¹, to explore these non-development policy options and, as a consequence, there is some confidence that conclusions on the potential effectiveness of such policies can be assessed.

It is accepted that until such a time that appropriate policy responses are developed and implemented, the estimate of the reduction in demand derived from housing policy is subjective, but it has been set at a relatively low figure. The contribution of housing policy to the overall supply of homes will be monitored over the plan period.

- **Estimate of housing demand is too high/too low**

The estimated demand for housing is directly derived from the modelling carried out in the Object Assessment of Housing Report (OAHN) and the development of the planning assumption. The OAHN is a robust and well evidenced published report, which has been extensively peer reviewed by Statistics Jersey and other key stakeholders and accepted as the source of estimating future housing demand.

- **The number of proposed rezoned fields is too many/not enough**

The number of rezoned fields is based upon the overall evidence of demand and the need to develop sites that can support the vitality of local communities. The rezoned sites offer the opportunity to ensure the supply of around 450 affordable homes. This is about a third

¹ [Creating better homes: an action plan for Jersey](#)

of the total supply², with the remainder coming from the 625 homes currently under construction and 425 homes to be developed from Government/approved housing provider sites, mainly in the main built-up area of St Helier and St. Clement.

Some representations have suggested that the number of green field rezoned sites should be reduced. Reducing the supply of rezoned sites would require these to be replaced from other sources of supply from within the built-up areas, including changing policies to increase development densities and/or heights of buildings for example. This is not something that would then support local communities in maintaining the vitality of the villages and would also reduce the supply of some family affordable housing.

Equally, some representations have pushed for increasing the number rezoned green field sites. The draft plan, based upon a higher demand figure, notably from the Pioneer report which suggests a demand figure of 6,000 over the next five years.

A further practical consideration for such an overly inflated demand figure is that should more sites be rezoned, the capacity to build 1,250 homes every year for the next five years is very unlikely to be achieved unless fundamental changes are made to the capacity of the building industry given that trend data would suggest an historic build rate of approximately 400-450 homes per annum in Jersey.

The Minister for Housing and Communities has proposed, as part of the Housing Policy Action Plan, to investigate the use of modern modular construction technologies and is engaged with the construction industry to look at how current build rates can be increased. This may enable some increases in capacity, but this is very uncertain at this time and there are no estimates as to whether this, or any other interventions or actions by the industry, can provide the capacity to build at this enhanced rate.

For further context, an increase of 2,000 homes over the current estimate of need would equate to around 40 hectares of land. Based upon the assumptions and arguments set out in the Pioneer report, this would primarily be on rezoned green field land.

In summary the current proposals in the draft plan offers a balanced supply of housing that would meet the needs of the Island, based upon a sustainable spatial strategy that supports the delivery of housing for both urban and rural needs.

- **Supply must rely more on rezoned sites**

It is argued, in many of the representations made, that more sites must be identified and rezoned to provide greater certainty of supply. This argument is presented in the Pioneer report accompanying a number of the proposed rezoning site reports.

² From Table H1: Sources of housing supply in the Bridging Island Plan, pg.186

Rezoning can provide some certainty of affordable housing by type, but this is not always guaranteed to deliver housing supply. By way of example, of the four sites that were zoned for a form of affordable housing in the current Island Plan three have been built out with one site, Field O785, la Rue de Cosnets not yet developed, despite discussions held directly with an approved housing provider³.

Windfall development accounted for the majority of supply in all previous plans, including the supply of affordable housing (secured through the redevelopment of existing Andium Homes sites), mostly redeveloped on brownfield land. The estimates for overall housing supply in this plan are based upon these past trends but with conservative assumptions about what proportion of those sites will come forward in the future.

It is considered that with an unprecedented 16 sites rezoned for affordable housing in the draft plan, this represents a significant change in emphasis and approach from most recent Island plans, where a much more conservative approach was adopted, representing the concerted effort being made to provide affordable housing in the island.

It is considered that the draft plan seeks to make an appropriate response to the supply and mix of homes that are required, as presented in the evidence that supports it. With regard to some of the specific issues raised in relation to this area, the following comments are made:

- **There is an over provision of 1-2 bed homes on rezoned sites**

The mix of housing on the rezoned sites identified in policy H5 will be driven by the evidence of need as set out in Policy H4. Currently there is no defined housing mix set out in the draft plan.

- **There is a need for more family (3 bed homes)**

The Objective Assessment of Housing Need (OAHN) calculations are based on what is essentially a "policy off" approach and, therefore, assumes that the existing mix of households in properties is maintained throughout the projections. These projections consider the current differences in occupancy based on age and tenure, but do not account for any changes that might arise because of deliberate policies that might impact on that mix.

The OAHN is a long-term estimate of future needs, based upon population profiling. The affordable housing gateway is a more dynamic and direct analysis of current actual demand of affordable housing by size and type and this will be used for understanding the housing mix required for the sites rezoned for affordable housing. Should the most significant demand be for 3-bedroom homes then this will be reflected in the detailed development briefs that will then inform the planning application for each site.

³ Samares Nurseries St. Clement, De La Mare Nurseries (Grouville) & Field MN 420 (St Martin).

Moreover, there should be no assumptions or 'clear distinctions' made that smaller units should be primarily be provided in town and family homes on the rezoned sites. The draft plan makes it very clear that;

"There will also be a need to ensure that more dense forms of development are making a positive contribution to meeting the island's housing needs and that they provide an appropriate mix of homes that help support and sustain mixed neighbourhoods and local communities. An over provision of one form of dwelling type, such as one-bedroom flats, will not create vibrant local communities and will not be supported."

It is, therefore, anticipated that family homes can be provided on both rezoned sites but also in well-designed sites within town, particularly as this is the most sustainable location.

○ **The tenure split of 45/55 is inaccurate**

Whilst the draft plan sets out a tenure split of 45:55 (social rent: affordable homes for purchase), it also provides flexibility to be adopted and applied for each site, as set out in the policy provisions of Policy H5 (extract below):

'All of these sites (listed at 1.-15. above) should be developed in accordance with guidance to be issued by the Minister for the Environment and, unless otherwise specified, in the proportions of 45% for social rent and 55% for purchase, except where an alternative tenure split:

- (i) can be justified, having regard to latest evidence of need
- (ii) enables the 'right-sizing' of homes within the existing housing stock; or
- (iii) can be justified relative to any other overriding justification.

The 45/55% split as set out in policy H5 in the draft plan is an estimated value based upon net demand figures for affordable purchase from experience from previous schemes and the recognition that the need for affordable purchase was a current higher priority.

In assessing demand, particularly for affordable homes for purchase, it is important to determine if demand figures have been subject to any form of assessment. For example, the gross total presented in the affordable housing gateway band for affordable homes for purchase will not have been subject to any filtering against the current eligibility criteria for this category of housing. This means that some households may not qualify, for example, as some may have incomes significantly higher or lower than the eligibility criteria; may not be genuine first-time buyers; or have an inadequate deposit for a mortgage. Discussions with parishes on two recently completed affordable purchase schemes indicated that the net figure on demand was over half the initial housing list figure.

The Pioneer reports propose that the demand should be greater for affordable purchase and also that these should be for 3 bed homes, whilst the Andium Homes representation suggests that the tenure split should be exactly the opposite, with

rezoned sites developed for 70%+ affordable rent and for smaller units. The Jersey Homelessness Board's representation suggests that there are a number of factors which may see an increasing demand for social rented accommodation, and that proposal to rezone land for the provision of affordable homes presents a rare opportunity to develop more family social rented homes, which would help contribute to meeting Jersey's housing challenges.

It is, therefore, proposed that to provide to provide future clarity and certainty, the proposed tenure split of 55/45 is removed from policy H5 and replaced with a more flexible approach that is based on a fully audited (net) demand for affordable purchase and affordable rent from the Government of Jersey housing gateway. This will be managed by the Minister for Housing and Communities and provided to the Minister for Environment when consulting on and publishing future development briefs for the Policy H5 rezoned sites (see: SR28 Policy H5 - Tenure mix on affordable housing sites).

Minister's recommendation

The Minister would invites the inspector to examine the planning assumption adopted for the draft plan, and the various implications of this for the demand, supply, mix and tenure of homes, as set out in the draft plan and its supporting evidence, relative to the various challenges levelled against it, as set out in the representations made.

Minister's intention

The Minister for the Environment is **not minded** to amend the draft plan in light of the issues raised relative to the planning assumption and associated issues of housing demand and supply, except for those changes indicated in respect of the tenure mix for affordable housing sites, as set out in the Minister's statement response: SR28 Policy H5 - Tenure mix on affordable housing sites.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 24 - Policy H4 - Right-sizing

Relevant policies

Policy H4 – Meeting housing needs

Summary of representations received

P.036/2021 (44) Right-sizing

- people over 65 make up approximately 17% of Jersey's population but account for about a third of all homeowners and live in a quarter of the homes in the island
- there is a need to consider the housing needs of our ageing society and facilitating arrangements to enable older homeowners to "right-size" into a new home, releasing more family units on to the market
- to give explicit emphasis to the need to ensure that the homes to be delivered by the draft plan can meet islander's needs, and enable 'right-sizing'

Minister's comments

The Minister wholeheartedly supports the objective of seeking to make best use of our existing housing stock by ensuring that homes meet the needs of occupants.

The Minister is particularly keen to ensure that older islanders can move to accommodation that meets their needs whilst being able to maintain their existing social and support network in the community where they have lived. The planning system can play a role in this, by ensuring that the new homes that are provided are best suited to the community's housing needs.

The preamble to Policy H4 (at p. 187) explicitly acknowledges that places with an appropriately balanced mix of housing types and sizes also cater to the changing needs of our communities across the generations; enabling individuals and families to stay within their established neighbourhoods or local networks, but to move between different size and types of properties as their housing needs change. This is important in ensuring that the fabric and identity of the island's communities remains strong and resilient, as our demographic profile changes.

The Minister is, however, content to give greater emphasis to this issue on the face of the policy.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made.

Minister's intention

The Minister for the Environment is **minded to accept** the proposed amendment to Policy H4, which would result in the following changes (in red).

Policy H4 – Meeting housing needs

In order to ensure the creation of sustainable, balanced communities, the development of new homes will be supported where it can be demonstrated that it positively contributes to meeting identified housing needs of the local community or the island, in terms of housing types, size

and tenure, having regard to the latest evidence of need. Residential developments should, in particular, include a proportion of smaller homes to encourage and enable 'right-sizing'.

Development proposals which would result in an unacceptable over-concentration of any type, size or tenure of housing will not be supported, except where overriding justification is provided to justify the mix.

Where development proposals are subject to site or area-specific supplementary planning guidance, the mix of specific types, size and tenure of homes should accord with that guidance, except where overriding evidence is provided to justify a different mix.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 25 - Policy H5 - Affordable homes and parish priority

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representations received

[P.036/2021](#) (7) Restriction of parish priority

- it is a strategic objective of the government to nurture a diverse and inclusive society
- parish links are important but Jersey is a small place and if we are to develop an integrated and inclusive community it is important that we have regard to equality of opportunity
- all qualified residents should have an equal opportunity to access affordable housing schemes wherever the homes and wherever people come from, or have links to
- no more than 50% of the allocation of homes on affordable housing sites should be to people with links to the parish
- this proposal would not apply to those over-55 who may be seeking to move within a community in which they have lived

Minister's comments

The Minister for the Environment supports the objectives behind the amendment proposed.

The draft plan makes it clear that it seeks to ensure that affordable homes are provided to meet the community's needs. The detailed definition of what constitutes affordable housing, and the criteria for eligibility and access to it will, however, be determined by the Minister for Housing and Communities and administered through the Affordable Housing Gateway ("the Gateway")¹. The Gateway manages access to affordable housing tenures including social rent, affordable purchase (managed by Andium under the Jersey HomeBuy scheme) and will be expanded to include other housing categories for key workers and 'right-sizers'.

A number of parishes have identified local housing needs through the maintenance of their own waiting lists, and parishioners will need to be assessed through the Gateway to determine their eligibility and housing needs. Where affordable homes are to be provided, the number of units that may be allocated for local parish needs on each site will be established through the Minister for Housing and Communities' affordable housing policy and agreed with the parishes.

If the States are minded to support the proposed amendment, it would set out the parameters within which a parish allocation might operate on land rezoned for affordable housing, to which the Minister for Housing and Communities need to have regard.

Minister's recommendation

Minister's intention

The Minister for the Environment is **minded to accept** the proposed amendment to Policy H5 which would result in the following changes (in red).

¹ See: [Affordable Housing Gateway](#)

(Extract of relevant section of Policy H5 only)

Policy H5 – Provision of affordable homes

The following sites are specifically zoned for the provision of affordable homes and their development for any other use will not be supported....

....Access to all affordable homes will be controlled and managed through the Government of Jersey Affordable Housing Gateway where no more than 50% of the allocation of affordable homes for purchase on any given site should be to people who are prioritised due to being able to demonstrate links to the Parish in which the homes are located, with no such restriction applying to people aged 55 or over, and all social rent affordable homes are to be managed by a Government of Jersey approved affordable housing provider.

Draft Bridging Island Plan Consultation

Minister for the Environment - Statement response

SR 26 - Policy H5 - Provision of affordable homes

Relevant Policies:

Policy H5 – Provision of affordable homes

Summary of representations received

A range of representations, including amendments from States Members, have been made in relation to the provision of affordable homes in the draft plan. These can be categorised and summarised as follows:

- **Strategic issues**
 - **Demand for and supply of homes:** a number of submissions have been made which seek to challenge the assumptions which underpin the draft plan's assessment of demand for homes, and its subsequent response. This matter is addressed in a separate **statement response: planning assumption and the demand for homes**.
 - **Spatial strategy:** a number of representations seek to challenge the principle of proposing to release greenfield land to provide affordable homes.

This matter is dealt with separately, in the Minister's schedule of detailed responses to the consultation feedback, where it arises, and is touched on further below.
- **Detailed issues**
 - **Sites zoned for affordable homes:** a significant number of representations seek to challenge the proposal to allocate specific sites for the provision of affordable homes. These representations, from neighbours living adjacent to proposed sites, residents in the localities, and States Members, raise detailed issues about the potential implications of the proposed development of each site.

The Minister's response to the matters raised in relation to each site are summarised and considered in more detailed in appendices to this statement.

The contribution of these sites to the overall supply of homes is considered below.
 - **Proposals for other sites to be zoned for the provision of homes:** a number of representations have been made, including those in the form of amendments from States Members, about the potential inclusion of additional housing sites in the plan.

Where these have been submitted, as amendments to the draft plan by States Members, a detailed site assessment will be the subject of a separate statement response for each amendment.

Where they have been submitted as representations in relation to the draft plan, a detailed site assessment is provided in the Minister's schedule of detailed responses to the consultation feedback.

The potential contribution of these additional sites to the overall supply of homes is considered below.

The issues raised by the representations received in relation to the provision of affordable homes have implications relative to:

- those sites which will ultimately be approved for inclusion in the new Island Plan, and their subsequent spatial distribution across the island; and
- the overall supply of homes, to meet different housing needs, including affordable homes.

The Minister's comments seek to address these issues.

Minister's comment

The draft plan sets out a strategy to meet the need for affordable homes that is based on the supply of affordable housing being delivered by the Government of Jersey's affordable housing provider, Andium Homes, which includes the use of States-owned land; together with the planned release of some greenfield land.

The Minister for the Environment proposes the release of some greenfield land to meet this need reluctantly but considers that he is justified in doing so on the basis that:

- it is important that the draft plan helps to address the island's clear need for affordable homes over the plan period, which includes seeking to meet some of the latent demand for homes arising from the last plan period.;
- it ensures that a range of housing types can be provided, such as family homes, which are more difficult to deliver on constrained brownfield urban sites; and
- the release of some limited amounts of land for development on the edge of existing built-up areas can help to promote, protect and maintain the resilience of local communities by providing opportunities:
 - for right-sizing, enabling people to move to homes better-suited to their housing needs whilst staying connected to their established social network, and releasing their existing homes; and
 - to islanders currently in poor and unstable housing conditions to secure access to a more affordable, stable living environment where they can thrive and contribute to community life.

In doing this, the Minister for the Environment has sought to ensure that the planned release of greenfield land has regard to sustainability in that it seeks to deliver the most sustainable pattern of development in the island, whilst meeting community needs.

Having regard to the spatial strategy of the draft plan, the allocation of land for the provision of affordable homes seeks to ensure that sites have a clear relationship with existing urban centres relative to their scale, and their ability to accommodate new

development. The draft plan, therefore, seeks to allocate sites for the provision of affordable homes in the form of:

- strategic extensions – representing larger allocations on the edge of larger urban centres, such as those in St Helier and St Saviour;
- suburban extensions – representing smaller sites on the edge of more suburban parts of the built-up area; and
- extensions to parish centres – representing sites on the edge of local parish centres

| Site | Potential yield (homes) |
|---|-------------------------|
| Strategic extension | |
| • H1186a, H1189 and HH1198, St Helier | 52-76 |
| • H1219, St Helier | 36-54 |
| • S413, S415, S415A and S470, St Helier | 68-102 |
| • S530, St Saviour | 60-90 |
| Suburban extension | |
| • G392A, Grouville | 23-34 |
| • S729, St Saviour | 14-20 |
| Rural extension | |
| • J525, St John | 18-27 |
| • MN410, St Martin | 23-34 |
| • O954 and O595, St Ouen | 30-45 |
| • P632, St Peter | 39-59 |

The Minister considers that the allocation of homes on the edge of the island's larger urban centres in the parishes of St Helier and St Saviour, often involving the combination of a number of individual fields as strategic extensions, is most sustainable as it provides greater opportunity to access local facilities and services, reduces the need and distance to travel, and provides people with more choice of travel options.

The allocation of sites on the edge of rural parish centres provides, in most cases, more limited access to local services, but are important in helping to ensure the vitality and resilience of local parish communities.

A large number of representations have been made objecting to the allocation of sites for the provision of affordable homes, supported by a number of amendments from States Members to remove sites from the draft plan. This is particularly apparent in relation to those sites proposed on the northern edge of St Helier (H5 (2)-(4) Fields H1186A, H1189 and H1198 and (5) H1219); and those sites centred on Five Oaks in St Saviour (H5 (14) Field S530 and some of the fields to the north of Five Oaks (10)-(13) Fields S413, S415, S415A and S470) i.e. the strategic extensions. Other sites have also been the subject of representations.

The Minister acknowledges and empathises with the concerns expressed by the potential impact of development in these locations. The detailed issues raised in relation to each site are considered in the appendices to this statement.

The Minister remains of the view, however, that all of these sites are important in making a contribution to the overall supply of homes, and crucially, in the provision of affordable homes.

The Minister considers it critically important, however, that the distribution of sites for the provision of affordable homes is proportionate and sustainable, having regard to their distribution across the island.

On this basis, the Minister is seeking to maintain the overall level of supply of affordable homes, to be delivered through the allocation of sites, as set out in the draft plan.

The only exception to this is in relation to Fields MN389 and MN390 (H5(6)), where it is now apparent that the site cannot be delivered to secure the provision of homes: this is addressed in more detailed in the relevant appendix.

The Minister for the Environment acknowledges, however, that some sites that are proposed for affordable housing in the draft plan may not be supported by the States Assembly, having regard to the amendments lodged by other States Members to remove them. Against this context and having regard to the need to maintain the integrity of the plan and the overall supply of affordable homes, the Minister has sought to review the proposals to add other sites into the plan and to indicate whether he would be minded to consider an amendment to the plan to achieve these objectives.

As stated previously, detailed site assessments are either, in the case of States Members' amendment, the subject of separate response statements; or, in the case of other representations, assessed in the Minister's detailed schedule of responses.

The Minister would, however, only be willing to consider the addition of further affordable housing sites to the plan in order to support the need for homes, where the allocation contributes to a sustainable pattern of distribution.

The Minister does not support a disproportionate allocation of new homes throughout the rural parishes, which would undermine the overall strategy for sustainability in the draft plan; and also be potentially disproportionately impactful upon the local character, amenity and infrastructure of more rural local parish centres.

On this basis, the Minister would seek to ensure that, as a matter of contingency planning, that he would only be minded to consider amendment to the plan, to add the following sites to the plan, where any sites that might be lost were replaced by those that are similar in nature in terms of their contribution to development across the island (i.e. where strategic extension sites might be substituted for other sites classified as strategic extension sites). These sites are those which are considered potentially suitable for housing having regard to their assessment against established criteria.

In summary, the Minister considers that the following sites, based on the assessment of sites, might serve this purpose, and invites the inspector to consider their suitability.

| Site | Potential yield (homes @35 dph) | Notes |
|-----------------------------|---------------------------------------|--|
| Strategic extension | | |
| • H1248, St Helier | 40 | Subject to satisfactory access being secured |
| • S341, St Saviour | 14 | |
| Suburban extension | | |
| • C102, St Clement | 18 | |
| • C104 and C105, St Clement | 60 | Subject to a comprehensive form of development with Field C102 |
| • J1109, Sion, St John | 42 | |
| • Midbay, St Lawrence | 7 | If for affordable homes |
| Rural extension | | |
| • MN391, St Martin | 56 | Subject to being capable of delivery |
| • MY563, St Mary | 25 | |
| • O622 and O623, St Ouen | 77 | |
| • P558, St Peter | 32 | |
| • P559, St Peter | 15 | Subject to a comprehensive form of development with Field C559 |

It is relevant to note that some of these sites are 'new', in the sense that they were not submitted as part of the call for sites process. Others, whilst considered and assessed through this process, may not have enjoyed much public exposure. The Minister would, therefore, invite the inspectors to consider, in the examination of these sites, how this might be satisfactorily addressed.

Minister's recommendation

The Minister for the Environment recommends that the inspectors have regard to the Minister's views on the issues raised in relation to the representations made about the sites proposed to be allocated for the provision of affordable homes in the draft plan; and those other sites proposed for inclusion, where the Minister has indicated that he may be minded to consider them more favourably to offset the potential loss of any proposed sites in order to maintain the supply of affordable homes; the most sustainable pattern of development; and the integrity of the plan.

Minister's intention

The Minister for the Environment is **not minded** to accept any of the proposed amendments to remove or add sites for the provision of affordable homes to the draft plan, but would be minded to consider amendment of the plan, involving the addition of replacement sites if this proves necessary, to maintain its integrity in terms of affordable housing supply and the sustainable distribution of development.

Appendices:

1. Field: G392A, Le Clos des Fonds, Grouville
2. Fields: H1186a, H1189, H1198, La Grande Route de St. Jean, St. Helier
3. Field: H1219, La Grande Route de Mont-à-L'Abbé, St. Helier
4. Fields: MN389 and MN390, La Rue de la Haye, St. Martin
5. Field: MN410, La Rue des Buttes, St. Martin
6. Fields: O594 and O595, Le Clos de la Fosse au Bois, St. Ouen
7. Field: P632, La Route du Manoir, St. Peter
8. Fields: S413, S415, S415A and S470, La Grande Route de St. Martin, St. Saviour
9. Field: S530, Princes Tower Road, St. Saviour
10. Field: S729, New York Lane, St. Saviour (Southern section of former Longueville Nurseries site)

APPENDIX 1

Field G392A, Le Clos des Fonds, Grouville

Summary of representations received

- the Jersey Farmer's Union Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have therefore listed this designated field in order of priority to the industry as being: "less important to agriculture".
- on a site-specific issue, it did not appear clear how the demand for affordable homes in individual parishes had been established in order to support the sites identified so as to contribute to "enabling individuals and families to stay within their established neighbourhoods or local networks".
- the field provides links to the green corridor from Grouville Marsh SSI through to Fauvic marshlands and is frequented by Marsh harriers, egrets, Cyrl bunting and many other bird species. It also provides habitat for agile frogs when it is uncultivated as it is a natural marshy area. It is significant in terms of landscape - providing an open vista from the marshy coastal fringe to the escarpment behind and a break in development on the La Grande Route des Sablons. It is also regularly used for growing flowers, vegetables and potatoes and for the grazing of cattle. However, the field is also prone to flooding.
- developing housing on this site would cause light and sound pollution to the adjacent areas and would significantly change the landscape character. Also, development would cause disruption to quality of life and privacy, and it would be suggested that another more sustainable site be considered. The field "site" is too small to accommodate 25/34 houses.
- the adjacent road, La Sente des Fonds, on the north boundary of the field is a single-track road. The development would cause significant increase in traffic on this narrow lane which would be used as a cut through to La Rue a Don.
- to have another housing estate bordering this lane is ridiculous when you have abandoned brownfield (glasshouse) sites such as at Holmegrown, which borders a little used, but very good main road.
- Grouville School is bursting at the seams with pupils - there will potentially be 30 more school children.

Minister's detailed comments

It is explicitly acknowledged that the site is in current agricultural use, however, the Minister for the Environment acknowledges and is grateful for the comments raised in respect of this field being relatively less important to agriculture in the island.

It is noted that the field is considered to serve as form of wildlife corridor given its location between Grouville Marsh SSI and the wet meadow at Fauvic marshland. It is not considered that the proposed use will unduly impact on any designated sites of ecological interest. The site is surrounded, in whole or in part, by built development on all sides, and has relatively weak boundary treatment, with limited or poor hedgerows. Any development brief for the site would seek to ensure that boundary treatments are strengthened, particularly to the west to screen the site from open countryside.

Its landscape sensitivity has been assessed and is considered to be medium-low, given that the site abuts the existing built-up area and coastal strip. The potential loss of the visual break that the site affords from the coast road across farmland to the distant escarpment is, however, acknowledged.

Matters raised in reference to light and sound pollution, plus landscape character impacts, would be addressed and mitigated through the preparation of detailed design at the planning application stage.

Highway access and footway connections, and potential improvements to the eastern cycle route network, would be considered as part of detailed design considerations. Improvements to local highway and public transport infrastructure would likely be sought through planning obligation agreements. Specific vehicular access arrangements would be explored as part of the traffic impact assessment required as part of the detailed planning application; however, the site abuts the primary route network.

In respect of school provision demographic modelling is undertaken and monitored by CYPES to assess the capacity of local schools and to inform catchment management.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representations received in regard to the proposed designation of the field to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is **not minded** to amend the proposed designation of Field G392A as an affordable housing site, as set out in the draft Bridging Island Plan.

APPENDIX 2

Fields: H1186a, H1189, H1198, La Grande Route de St. Jean, St. Helier

Summary of representations received

- Amendment [P.036/2021](#) (01) - Provision of affordable homes.
- Amendment [P.036/2021](#) (12) - Provision of affordable homes (*Specific to Field H1219 but references and discusses Fields: H1186a, H1189, H1198*).
- [Stop Urban sprawl](#) - Save St. Helier fields from the Island Plan (Petition).
- the Jersey Farmer's Union Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have therefore listed these designated fields in order of priority to agriculture. Because they are classed as a priority dairy zone we would advise: "Definitely no development".
- these particular fields are used by one of only two organic dairy farms. They have taken years to achieve the high standards required for organic production and are essential to the island dairy industry. Both organic farms are supported by their larger neighbours so need to be seen as part of a greater whole. This is invaluable land for the dairy industry which has changed greatly in the last few years. These dairy farms need significant areas of grazing land near the farm buildings for both the well-being of the cows and the economics of the business. If development is allowed to encroach on this land, the island will no longer be home to its peerless breed, producing the most nutritious milk in the world, with more vitamins, minerals and butterfat than any other.
- reusing office and Governmental sites would be a better use than affecting farming or local residents by re-zoning areas that are valuable countryside in already increasing residential areas. With the unknown long-term effects of COVID and the effect on people's mental well-being, it would be much better that these areas are utilised for community spaces that the residents can use for fitness/socialising.
- it is imperative that Jersey retains and preserves the unique characteristics of its traditional architecture, and not let these old properties be swamped up by modern developments.
- yes, young people need homes but what about the people who have worked and saved for years to buy their dream home only to find a housing estate built next to them devaluing their property. Remember the duty of care to the Island residents who love jersey for its unique features including green fields and cows. People enjoy walking around the area which is vital for their exercise and mental health.
- object to the proposal to build up to 76 homes on fields H1186a H1189 and H1198 on the grounds that it goes directly against the States commitment to tackling climate change and protecting Jersey's natural environment. Removal of those fields which are home to much wildlife is not the solution to Jersey's housing crisis. Developing homes on those sites will destroy habits for local wildlife which cannot be replaced and will create additional traffic and air pollution.
- these fields link to Grande Route de Mont-à-L'Abbé which only has room for single traffic. This area is extremely busy already at certain times of the day when the traffic comes to a complete gridlock along Queens Road down to the

roundabout at Rouge Bouillon. There are already plans for 51 apartments to be built on the site of the Westhill Hotel. Add the extra traffic due to these new homes, also cars coming from the north of the Island going to the proposed hospital at Overdale and the roads will become even more congested and dangerous for drivers and pedestrians.

- why not put the new housing on the Motor Mall site: a far more appropriate use.

Minister's detailed comments

The Minister for the Environment acknowledges the strength of feeling registered in relation to the proposed use of these fields for the provision of affordable homes, evidenced by the lodging of an amendment, a petition, and a significant number of specific representations which seek the removal of these fields from the draft plan.

The current use of the land for agriculture and its strategic importance for the island's dairy industry is acknowledged by the Minister. The fact that these fields are used for one of only two organic dairy herds in the island is a significant issue, and their value manifest by their organic status; proximity to the dairy unit; and the fact that they represent about 25% of the farm holding's grazing land is recognised.

It is evident, however, that all of the fields are leased, for the purposes of agriculture, rather than being owned by the dairy unit. The fields do not, therefore, enjoy any long-term security for the purposes of dairy farming: the two most southerly fields (H1189 and H1198) are subject to agricultural conditions (under Agricultural Land legislation) requiring their use for purposes of agriculture, but not specifically dairy farming. H1186A is not subject to any agricultural conditions. In such circumstances, two of three fields, whilst required to be used for agriculture, are not required to be maintained in use for dairy farming and could, instead be leased for other forms of agriculture. For the purposes of agriculture, H1186A is not required to be actively used.

The potential impact of the proposed use of the fields for affordable housing upon the landscape character of the area is acknowledged. This matter was the subject of extensive consideration as part of the Jersey Landscape Sensitivity Assessment where it was acknowledged that the landscape sensitivity of these fields was considered to be medium-low to medium; and that they formed part of the gateway into St Helier from the north. The area does represent a transition from urban to rural, marked most noticeably by the hedgerows and boundaries of these fields, compared with the area of development to the south where field boundaries have been lost and development presents a hard edge to both La Grande Route de St Jean and La Grande Route de Mont-à-L'Abbé. The proposed development of the site presents an opportunity to ensure the retention and strengthening of these boundaries to enhance their visual role, and their potential to serve as part of the green infrastructure network.

The development of the fields, of themselves, would not preclude access to the countryside, and the site does not have any designated biodiversity value.

The impact of any development upon the setting of the listed building at Chestnut Lea, immediately to the north west of the site, would need to be considered, assessed and mitigated through the detailed design process; and the relationship to the listed Laugée Farm, further north, would require consideration.

It is acknowledged that there are proposals for a number of developments in this part of St. Helier – including the new General Hospital at Overdale – which has the potential to increase trip generation and traffic in the locality. The hospital proposal, and its associated implications, including travel and transport, are the subject of detailed consideration: the principal access route to the proposed site is proposed, however, to be from Westmount, and is the subject of the proposal for the enhancement of existing transport infrastructure.

The proposed housing site abuts the primary route network to the east and a traffic-calmed speed-restricted green lane to the west. Opportunities to secure safe vehicular access to the principal highway network are clear, along with opportunities for wider transport choices for travel on foot or by bike through the use of the existing facilities on La Grande Route de Mont-à-L'Abbé. Improvements to local transport infrastructure, including crossings and public transport infrastructure enhancements, would be sought through the use of planning obligation agreements.

Concerns about the use of these fields, as opposed to other sites, for the development of homes is acknowledged. The spatial strategy for the distribution of development over the plan period is set out in the draft plan and seeks to meet most of the island's development needs from within the existing built-up area, where land and buildings that are already developed, can be redeveloped at higher densities. The limited release of some greenfield land seeks to contribute toward the provision of a proportion of the island's affordable homes, and to provide different forms of accommodation, including family homes. A range of sites have been considered and assessed for this purpose, as set out in the housing site assessment report.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representations received in regard to the proposed designation of these fields to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is **not minded** to amend the proposed designation of Fields H1186a, H1189, H1198 as an affordable housing site, as set out in the draft bridging Island Plan.

APPENDIX 3

Field H1219, La Grande Route de Mont-à-L'Abbé, St. Helier

Summary of representations received

- Amendment [P.036/2021](#) (12) - Provision of Affordable Homes
- the plan fails to address the reasons why such significant additional housing is required. A long-term sustainable immigration policy is required before the housing plan is considered.
- the Jersey Farmer's Union Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have therefore listed this designated field in order of priority to agriculture. Because the field is classed as good agricultural land we would advise that this is considered as: "[Last resort development](#)".
- support affordable housing, but not at the expense of green zones on the island. The environment is part of the reason we all live on Jersey and building on our important farmland is not a price worth paying for additional housing. There is plenty of unused land or derelict properties/greenhouses on the island.
- if this field were to come out of agricultural use it would be far better to allocate it for community amenity space and woodland which can be enjoyed by school students as well as the community at large.
- Queens Road is already a daily traffic bottleneck heading into town. These roads do not have the capacity for more traffic. Queens Road/ La Route de St Jean has pending increases from the new hospital, the new Co-op at Sion and the 'The Range' on the existing Motor Mall site and additional housing on the road will make matters worse.
- La Grande Route de Mont a L'Abbe is a 15 mph, single track, quiet, green lane with no pavements and shared pedestrian access and limited vehicle passing places. Pedestrians, cyclists, joggers, walkers, Haute Vallee school children & dog walkers use this as an alternative to La Route de St Jean but is has no capacity for more vehicles.
- 51 flats on the site of the existing West Hill Country Hotel on La Grande Route de Mont a L'Abbe plus the 4 fields in Mont a L'Abbe would mean another 181 high density properties in the area. A key factor is whether the infrastructure can really take potentially another 200+ vehicles at peak times and this is without the additional traffic that will result from the building of the new hospital on the Overdale site. Additional expansion of St Helier is fundamentally wrong and creates an imbalance between the parishes which is undesirable.
- the Government has signed up to 'Put Children First' however building on the fields would not be doing so. The children in the proposed housing would attend the local St Helier Primary schools; the class sizes compared to other parishes is disproportionate. The children in St Helier's primary schools will not be getting the same time and attention educationally that those in rural parish schools would receive. This in turn will create further divides in our community between 'those who have' and 'those who don't'. I would also like to mention the multiple derelict sites.
- field H1219 adjoins the housing development of Le Clos Vaze, but access will need to be into Clarke Avenue beside Haute Vallee School, whereas Le Clos Vase access is onto St John's Road. This field was left for future use by the school, and with school population expansion is likely to require it.

- only half of the site is proposed for affordable housing. The other half is proposed to be safeguarded for educational use, presumably because the current Island Plan stated it was deficient in playing field provision. However, an all weather playing pitch has recently been provided within the grounds of Haute Vallee School. There is also no justification given for the zoning of this land for educational purposes in the draft Bridging Plan. It is therefore questioned whether this deficiency still exists. It is therefore proposed that the western half of the field is rezoned for affordable housing which would increase the yield to between 72 and 108 dwellings.

Minister's detailed comments

The Minister for the Environment acknowledges the objection registered in relation to the proposed use of part of this field for the provision of affordable homes, evidenced by the lodging of an amendment and a number of specific representations which seek the removal of part of this field from the draft plan as an affordable housing site.

The current use and value of the land for agriculture is acknowledged by the Minister. It is suggested that the loss of part of this field for housing would affect the landscape character of the area but the field is bounded on all sides by existing development; and it is only proposed to develop the eastern half for residential use. As part of the development of the site, boundary features would be required to be strengthened and enhanced to provide both visual screening and to contribute toward the green infrastructure networks in the area.

The St Helier Roads Committee have raised concerns that existing safety measures to protect pedestrians and school children will be compromised as traffic volumes to the area increase due to the redevelopment of Westhill Hotel and Overdale hospital. It is acknowledged that there are proposals for a number of developments in this part of St. Helier – including the new General Hospital at Overdale – which has the potential to increase trip generation and traffic in the locality. The hospital proposal, and its associated implications, including travel and transport, are the subject of detailed consideration: the principal access route to the proposed site is proposed, however, to be from Westmount, and is the subject of the proposal for the enhancement of existing transport infrastructure.

The development of this site, however, presents opportunities to develop a safer route to school to Haute Vallée and to explore other local highway infrastructure improvements. It is explicitly stated that changes to the traffic management in the locality may be required to secure optimal access to the site and this would need to be explored and secured at the detailed design stage, involving the relevant highway authorities and the developer. Specific vehicular access arrangements would also be explored as part of the traffic impact assessment required as part of the detailed planning application.

In respect of school provision demographic modelling is undertaken and monitored by CYPES to assess the capacity of local schools and to inform catchment management. Rather than object to the development of the site, some representation has proposed that all of Field H1219 be developed for housing, rather than be safeguarded, in part, for education use. The Minister is of the view that the western part of the site will remain protected for the future educational needs of Haute Vallée School.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representations received in regard to the proposed designation of part of this field to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is **not minded** to amend the proposed designation of Field H1219 as an affordable housing site, as set out in the draft bridging Island Plan.

APPENDIX 4

Fields MN389 and MN390, La Rue de la Haye, St. Martin

Summary of representations received

- the Jersey Farmer's Union Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have listed these designated fields in order of priority to the industry as being: "Less important to agriculture".
- it has been brought to our attention that fields Mn389/Mn390 may not be brought forward as apparently the owner may not wish to develop these fields. It is very unlikely that The States Assembly would ever use compulsory purchase powers to bring sites of this type into States' ownership.
- although the Bridging Island Plan has identified various and outrageous reasons for building housing on the above fields, simply put, there is a creeping urbanisation around the island that has to be resisted. Any green field should only ever be considered as a very last resort.
- the exit on to La Grande Route de Saint-Martin (the "Main Road") from the lane is extremely dangerous as you cannot see traffic advancing from the right. For this reason, most residents residing at the eastern end of the Lane already use La Rue de la Haye to get to the main road, as do heavy vehicles based in the area and large tractors used for agriculture in the lane.
- reusing office and Governmental sites would be a better use than affecting farming or local residents by re-zoning areas that are valuable countryside in already increasing residential areas. With the unknown long-term effects of COVID and the effect on people's mental well-being, it would be much better that these areas are utilised for community spaces that the residents can use for fitness/socialising.

Minister's detailed comments

Notwithstanding the representations received in respect of this site, the Minister for the Environment, following discussions and advice received, acknowledges that the landowners of this site do not support its proposed use for housing and do not wish the site to be considered for this purpose as part of the Island Plan Review.

In considering sites for the purposes of the delivery of affordable homes, the Minister is required to have regard to the deliverability of development over the plan period. This requires the Minister to be assured that sites will be brought forward for development to enable much needed homes to be provided.

It would appear that there is little or no prospect of this site coming forward during the bridging plan period.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector have regard to the landowner's position such that the site will not be available for development during the bridging plan period.

Minister's intention

The Minister for the Environment **is minded to amend** the draft plan to remove Fields MN389 and MN390 from Policy H5 and the list of those sites proposed to be allocated for the provision of affordable homes.

APPENDIX 5

Field MN410, La Rue des Buttes, St, Martin

Summary of representations received

- Amendment [P.036/2021](#) - (16) - Provision of Affordable Homes.
- the intention in seeking the development of this site is to provide homes specifically for elderly people, with their allocation administered by the Parish of St Martin
- the Jersey Farmer's Union Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have listed designated Field MN410 as: "Less important to agriculture".
- the description of this site in the proposal is both inaccurate and misleading. Its development would not be an extension to development along La Grande Route de St Martin as can be clearly seen from the illustration in the document. The site does not have direct access to the main road but only to La Rue des Buttes, a designated Green Lane.
- St Martin's School cannot support 30 new families. Our understanding from the Parish is that there is, in contrast a desperate need for sheltered housing for the elderly. Should the site be re-zoned for Affordable housing, any future development of sheltered housing would not be possible as the BIP is currently drafted.
- object to development of Field MN410, as it is located next to a grey long eared bat roost (possible maternity) roost and any development at this site could cause a significant impact on the local population of this species. Significant ecological assessments would be required if considering building at this site including PEA, EcIA, roost type surveys, activity surveys, lighting surveys etcetera.
- unlike many fields in the green zone which have been re-zoned, there is no existing development on this field. The field is an attractive "green lung" in front of the Listed Catholic Church and sits along a network of green lanes well used by walkers, cyclists and horse riders.
- the possible development of this land has previously been requested by a former owner and it was strongly opposed by parishioners at a Parish Assembly for a number of reasons.

Minister's detailed comments

It is explicitly acknowledged that the site is in current agricultural use, however, the Minister for the Environment acknowledges and is grateful for the comments raised in respect of this field being relatively less important to agriculture in the island.

It is suggested that the loss of part of this field for housing would affect the landscape character of the area. As part of the assessment of its landscape sensitivity was categorised as forming part of the 'inner fields' of St Martin's Village, where their existing character is influenced by their proximity to the village and is considered to be semi-developed. This is evident from the context of Field MN410 which has some existing housing to the west of the site, off La Rue des Buttes. To the east is a cemetery and to the north are two Catholic churches and the Berni Community Centre. As part of the development of the site, boundary features would be required to be strengthened and enhanced to provide both visual screening and to contribute toward the green infrastructure networks in the area.

It is noted that the field is considered to support wildlife – specifically a grey long eared bat roost (possible maternity) roost and that any development at this site could cause a significant impact on the local population of this species. As part of the wider development considerations for the field an ecological survey would be required to be undertaken to ensure that existing species are suitably protected and, if necessary, relocated to accord with the Jersey Wildlife law.

Matters relating to traffic and specific access arrangements would need to be explored and secured at the detailed design stage, involving the relevant highway authorities and the developer as part of the traffic impact assessment required as part of the detailed planning application.

In respect of school provision demographic modelling is undertaken and monitored by CYPES to assess the capacity of local schools and to inform catchment management.

The Minister acknowledges that there is some tension about the potential type and allocation of homes that might be provided on this site. It is evident that representations from both the landowner and a local States Member suggest that the use of the site might be limited to the provision of homes for older members of the community. The provision of homes to encourage right-sizing sits comfortably within the policy provision of Policy H5. It was not, however, necessarily envisaged that this policy mechanism might be used for the entire allocation of homes on a single site. No evidence of a specific demand for this extent and form of home in St Martin is provided in support of these representations.

Homes provided under the auspices of Policy H5 seek to ensure that they are contributing to the housing needs of those islanders who are least able to secure access to decent homes; and the Minister is seeking to ensure that homes provided on this basis meet this need. It is proposed that the provision of right-sizing homes on these sites would enable the release of other accommodation which might then, of itself, become accessible to those in housing need as assessed through the Housing Gateway.

It is suggested – in the amendment submitted in relation to this site – that no such mechanism would be applied in the case of homes developed on Field MN410, and that the homes released might simply be accessible as family homes. In such circumstances, neither the home provided, or the home released is specifically meeting the need for affordable homes, as defined by the Minister for Housing and Communities.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representations received in regard to the proposed designation of part of this field to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, having particular regard to the issue of the potential form of homes to be provided and their allocation and management, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is currently **not minded to amend** the proposed designation of Field MN410 as an affordable housing site, as set out in the draft bridging Island Plan

APPENDIX 6

Fields: O594 and O595, Le Clos de la Fosse au Bois, St. Ouen

Summary of representations received

- the Jersey Farmer's Union Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have listed these designated fields in order of priority to the industry as being: "Less important to agriculture".
- the plots are currently and continuously used as potato growing land and considered very good yielding ground by the current growers' company near-by.
- the Parish are in support of the proposal to designate Fields O594 and O595 as a site for affordable homes but seek clarification about how Policy H5 would be applied in detail, to better understand what type of housing would qualify as affordable, to meet parish needs.
- urbanisation of rural Parishes such as St. Ouen should not take place by cramming in developments which attempt to solve the population/housing crisis, such as Fields O595 and O594. The housing crisis should be considered along with a migration policy not solely an Island plan.
- the irregular shape of the plot field no. O594 does not lend itself for efficient housing development and accessing the land is only at one place to Rue de la Croix. This main road is narrow and heavily used by big tractors. Therefore, there is a concern about the exit of the houses (no.'s 35-40). Rue de la Croix is a rat run and cars travel much faster than 30 mph at the Rue Marettes and Verte Rue junction. Another exit will add to the concern. There is no infrastructure to allow for more cars in the area, it is already busy due to the proximity of the Hospice shop.
- currently, it seems there is little restriction in the planning law to help curb or manage the increasing amount of light pollution brought on by developments, both in the rural parishes and in St Helier.

Minister's detailed comments

It is explicitly acknowledged that the site is in current agricultural use, however, the Minister for the Environment acknowledges and is grateful for the comments raised in respect of this field being relatively less important to agriculture in the island.

It is suggested that the loss of these fields for housing would affect the local wildlife and landscape character of the area and would also lead to increased light pollution but there is already existing development on two sides of the site immediately west and south. In terms of the landscape sensitivity of the site, it was assessed as having medium-low sensitivity. As part of the development of the site, boundary features would be required to be strengthened and enhanced to provide both visual screening and to contribute toward the green infrastructure networks in the area.

Matters relating to traffic and specific access arrangements would need to be explored and secured at the detailed design stage, involving the relevant highway authorities and the developer as part of the traffic impact assessment required as part of the detailed planning application. The potential to enhance connectivity through to the village and to provide or enhance pedestrian, cycling and public transport infrastructure would be explored as part

of the development of the scheme, and secured through planning obligation agreement, as necessary.

The Minister acknowledges the parish's comments about the management of access to any homes provided on the site. This would need to be the subject of discussion with the Minister for Housing and Communities and managed through the Housing Gateway.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representations received in regard to the proposed designation of these fields to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is **not minded to amend** the proposed designation of Fields O594 and O595 as an affordable housing site, as set out in the draft bridging Island Plan.

APPENDIX 7**Fields: Field P632, La Route du Manoir, St. Peter****Summary of representations received**

- Amendment - [P.036/2021](#) (40) - Provision of Affordable Homes (*Field P559 adjacent to Field P632*).
- the Jersey Farmer's Union Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have listed this designated field in order of priority to agriculture as: "Definitely no development" due to its classification as a priority dairy zone.
- we do not believe that these fields are desirable to other dairy/other farmers because we tried to sell an 18 vergee field (P657/8/760), which is an excellent large easily workable field, on the other side of our farm, by tender with a local estate agent in late 2018, and did not receive a single enquiry or bid. This clearly demonstrates that there is no demand for agricultural land in our part of the island. The field has not used as part of the dairy farm in recent years and it is currently used for pigs.
- there is no doubt that we need to build more housing in the rural parishes, and that communities such as those in and around St. Peter have a huge demand for housing. There is all so no doubt that this area, close to the heart of St Peter's Village, should be further developed. However, every parish village needs (where possible) a green, open area at its heart, with outdoor community facilities for people of all ages to enjoy, appreciate, and relax in. This is probably the last chance for St. Peter to deliver a proper sized Village Green.
- the proposal to develop field P632 should be rejected in favour of the field immediately alongside. The development of field P559 would create more homes, allow for better and more creative traffic calming measures, while safeguarding forever a sensibly sized community village green in the heart of the parish.
- the Parish had originally planned to incorporate a small part of Field 559 St Peter as well into their site plans for 65 homes, which has been voted on and approved 3 times by the Parish. We confirm we would be happy for Field 559 to also be used for affordable homes.
- we desperately need more affordable homes for Jersey born residents! Without the first-time buyer / affordable schemes many islanders will be forced to move off island, ourselves included, due to the cost of properties and lack of them. Not only is it impossible in the current market to be able to save a deposit when the cost of rent is so high (higher than mortgage repayments would be!) but now also house prices have risen to such a ridiculous cost obtaining a mortgage of that level is totally out of reach for the average family, on an average income. We have been on gateway band 5 to purchase with assistance for the last 5 years and our hopes and dreams of a home on 'Ville Du Manoir' in St Peter were shattered when the plans were rejected. This new bridging plan has given us hope once again that we may be lucky enough to become home-owners.
- it is extremely important to have adequate provision to address the current pressing issue such as supply of new homes to avoid the previous under provision of homes by the 2011 Island Plan which then was only part resolved by the 2014 Island Plan Review.

Minister's detailed comments

The Minister for the Environment acknowledges the representations received in relation to the proposed use of this field for the provision of affordable homes both in support of and against its use in this manner. Further the Minister acknowledges the lodging of an amendment which seeks to include an additional affordable housing site, (Field: P 559), adjacent to Field P632 as designated in the draft Bridging Island Plan.

The Minister notes that a further representation has been received which suggests that Field P559 be used to provide a village green: the viability of this proposal, relative to the willingness of the landowner to release the field for this purpose is not clear.

The current use and value of the land for agriculture and its strategic importance for the island's dairy industry is acknowledged, however, the Minister notes that the dairy owners do not believe that these fields are desirable to other dairy/other farmers and that the field is not used by the adjacent dairy for cattle.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representations received in regard to the proposed designation of these fields to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is **not minded to amend** the proposed designation of Field P632 as an affordable housing site, as set out in the draft bridging Island Plan.

APPENDIX 8

Fields: Field S413, S415, S415A & S470, La Grande Route de St. Martin, St. Saviour

Summary of representations received

- Amendment - [P.036/2021](#) (2) - Provision of Affordable Homes (*Fields S413 & S415*)
- Amendment - [P.036/2021](#) (29) - Provision of Affordable Homes (*Fields S415A & S470*)
- the Jersey Farmer's Union Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have listed these designated fields as: "Last resort development" because the fields are considered to be good agricultural land.
- the Five Oaks area is already considerably built up and the infrastructure, (particularly the roads), is near breaking point as it currently stands without the potential for 200 new houses being built on Field S530 (Princes Tower Road) and Fields S413, S415, S415a and S470 (opposite the old JEP site). There is no mention of the additional units due to be re-build on Les Cinq Chenes site, thus skewing figures and seemingly attempting to hide this proposed expansion.
- Bagatelle Road is an extremely busy road and has one of the highest collision rates on the island and the roads that feed off the Five Oaks round-about are grid lock at school pick up / drop off times and peak times throughout the day. Do not understand how the Government and the Parish of St Saviour can feel this is appropriate for this location.
- there is no way the parish infrastructure and roads could cope with hundreds more new houses, and the hundreds of cars that they would bring. The parish schools are already at capacity, with no room to be developed, and residents have already had to put up with the building of two massive developments in recent years, at Belvedere and Langtry Gardens.
- St. Saviours has become a conurbation of St. Helier as it is. There is no heart to the community just housing estates and small pockets of the community. We in St. Saviours need a proper inclusive community.
- question how much research and thought has gone in to understanding the impact of these proposed new houses on the area. The increased number of cars travelling to and from the area will add to the congestion on the narrow roads coupled with the current narrow pavements or in some places no pavements is a disaster waiting to happen.
- as well as the pressure this will put on the infrastructure, there is also the decimation of green space and wildlife habitat by removing the 24 verges of fields. The removal of these fields will have a significant impact on the minimal green space left in the area, wildlife present and the mental health of the parishioners living in the area - cannot believe the Parish is willing to let this happen.
- overbuilding has many negative consequences for residents and the environment,
 - higher water (flood risks) and air pollution
 - increased traffic fatalities especially as St Saviours which has 15 schools in the parish
 - Traffic jams, particularly at 5 Oaks roundabout
 - loss of agricultural capacity
 - increased car dependency
 - loss of wildlife habitat
 - increase risk of obesity

- The distribution of properties over the island is inequitable and unfair.

Minister's detailed comments

The Minister for the Environment acknowledges the strength and level of objection registered in relation to the proposed use of these four fields for the provision of affordable homes to the north of Five Oaks.

The Minister notes that whilst the majority of the representations raise concern about the impact of this potential level of development on the area, there is some qualified support for the release of two of the fields (S470 and S415A) where any homes delivered on the site might be provided for first-time buyers only. This issue is addressed in more detail in the Minister's statement response SR 28 - Tenure mix on affordable housing sites

The current use and value of the land for agriculture is acknowledged by the Minister.

The Minister is aware that there are proposals to develop other sites for housing, including the redevelopment of Les Cinq Chenes in this part of St. Saviour which has the potential to increase the number of homes in the locality.

The proposed housing site abuts the primary route network to the west and the creation of safe vehicular access would be required as part of the scheme design. The proposed redevelopment of Les Cinq Chenes, by Andium Homes, immediately to the south of the site, presents a potential opportunity to explore integrated responses to travel and transport issues, particularly in relation to the provision of sustainable transport infrastructure.

The issues associated with vehicular congestion on the local road infrastructure, particularly during the morning peak and the 'school run', are acknowledged and understood. The provision of new homes, wherever they are proposed in the island, needs to be considered within the context of the island's sustainable transport policy, and the objectives of seeking to reduce the need to travel and to promote more sustainable journeys when we do.

Improvements to local transport infrastructure, including crossings, footpaths and public transport infrastructure enhancements, would be sought as an integral part of the development of this site through the use of planning obligation agreements, where required, to ensure the delivery of off-site changes. These can help ensure that local journeys are safer and help to promote more sustainable choices for trips to school, the shops, or work.

It is acknowledged that the use of these fields for the provision of affordable homes would have some local landscape impact as the fields currently provide a visual break between the hard edge of Les Cinq Chenes and the Greenfields secure facility complex before more open countryside, to the east of La Grande Route de St Martin. Land to the west is, however, already developed, having a semi-industrial character, and the site of the former Jersey Evening Post is to be redeveloped to provide storage facilities and a new Co-op Locale store on the edge of the settlement.

As part of the development of the site, boundary features would be required to be strengthened and enhanced to provide both visual screening and to contribute toward the green infrastructure networks in the area. The development of the site would not have any impact on designated wildlife or heritage sites.

In respect of school provision demographic modelling is undertaken and monitored by CYPES to assess the capacity of local schools and to inform catchment management and CYPES have advised that there is local capacity to accommodate demand which may arise from new development.

Concerns about the use of these fields, as opposed to other sites, for the development homes is acknowledged. The spatial strategy for the distribution of development over the plan period is set out in the draft plan and seeks to meet most of the island's development needs from within the existing built-up area, where land and buildings that are already developed, can be redeveloped at higher densities. The limited release of some greenfield land seeks to contribute toward the provision of a proportion of the island's affordable homes, and to provide different forms of accommodation, including family homes. A range of sites have been considered and assessed for this purpose, as set out in the housing site assessment report.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representations received in regard to the proposed designation of these fields to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is **not minded to amend** the proposed designation of Fields: S413, S415, S415A and S470 as an affordable housing site, as set out in the draft bridging Island Plan.

APPENDIX 9

Field: S530, Princes Tower Road, St. Saviour

Summary of representations received

- Amendment [P.036/2021](#) - (2) Provision of Affordable Homes. '[Save Our St Saviour Campaign Group](#)' submission made on behalf of many residents who live in the vicinity of Five Oaks. It supports strong objections already made by the Connétable of the Parish and by Deputy Kevin Lewis on the basis that the area around Five Oaks is already saturated with residential development such that the transport infrastructure, which has an important node at the Five Oaks roundabout, as well as the local schools and other facilities, are already operating beyond their effective capacity.
- further substantial development is unsustainable and will be harmful to local community interests. Five Oaks straddles three heavily used traffic routes connecting the north-east of the Island to St Helier. A key challenge is to moderate the damaging effects of ever-increasing through traffic on the quality and well-being of this local community. There is no mention of the additional units due to be re-build on Les Cinq Chenes site, thus skewing figures and seemingly attempting to hide this proposed expansion.
- the JFU Council cannot support any development on greenfield sites. However, we do understand the chronic affordable housing shortage in the Island and have listed this designated site as: "Less Important to agriculture".
- the tick-box approach to the site assessment leads to a high score for Field 530 simply because of its proximity to infrastructure and amenities. No account is taken of whether the infrastructure and amenities can accommodate pressures arising from additional development without causing significant harm. The sole vehicular access is relatively narrow and connects with Prince's Tower Road, a major traffic route that is already heavily overloaded during peak periods.
- field 530 could be used to provide community open space thereby enhancing a sense of well-being and local identity that has been absent from planning strategy over recent decades. It would also support the aims of landscape protection and biodiversity strategies.
- this unspoiled land/meadow is a rare oasis in an otherwise built-up area which has been excellent for the wildlife and has a river/stream flowing through the middle of it down to the pond at the bottom. The meadow is naturally sloping downwards and there is a huge fall in height from one side of the field to the other. It is essentially a basin that will need backfilling with approx. 500, 000 tons of stone. There are red squirrels, several marsh harriers and kestrels which hunt over the field every day, a barn owl, pheasants, toads, newts, wall lizards, hedgehogs, moles, voles, mice and the occasional slow worm. At the moment there are numerous goldfinches feeding on the seeds of the thistles. The friends we bought our bungalow from used to be bee-keepers and originally moved to here as being a perfect place for their hives as the field is covered with wild unsprayed plants. Butterflies and moths, birds and insects such as the Great Green Bush Cricket, dragonflies and mayflies are plentiful. All this wildlife spreads over into the adjacent gardens.

Minister's detailed comments

The Minister for the Environment acknowledges the strength and level of local objection registered in relation to the proposed use of this field for the provision of affordable homes.

It is explicitly acknowledged that the site is in current agricultural use, however, the Minister for the Environment acknowledges and is grateful for the comments raised in respect of this field being relatively less important to agriculture in the island.

The Minister is aware that there are proposals to develop other sites for housing, including the redevelopment of Les Cinq Chenes in this part of St. Saviour which has the potential to increase the number of homes in the locality.

The issues associated with vehicular congestion on the local road infrastructure, particularly during the morning peak and the 'school run', are acknowledged and understood. The provision of new homes, wherever they are proposed in the island, needs to be considered within the context of the island's sustainable transport policy, and the objectives of seeking to reduce the need to travel and to promote more sustainable journeys when we do.

Improvements to local transport infrastructure, including crossings, footpaths and public transport infrastructure enhancements, would be sought as an integral part of the development of this site through the use of planning obligation agreements, where required, to ensure the delivery of off-site changes. These can help ensure that local journeys are safer and help to promote more sustainable choices for trips to school, the shops, or work.

The landscape character of the locality, and its sensitivity to change, has been assessed as part of the Jersey Landscape Sensitivity Assessment, which considers this site to be of medium sensitivity. It is evident that, being enclosed on three sides by development, its character is heavily influenced by this, and its development would not impact significantly on the wider landscape character. The Minister acknowledges, however, the close relationship of the site to Swiss Valley, and care would need to be taken in terms of the design of any scheme to limit intrusion, particularly along the southern edge of the site. As part of the development of the site, boundary features would be required to be strengthened and enhanced to provide both visual screening and to contribute toward the green infrastructure networks in the area.

The development of the site would not have any impact on designated wildlife or heritage sites; however, a biodiversity impact statement would be required to assess and mitigate any impact. The development of the site would need to make provision for public open space and also the need to retain and enhance existing tree cover, as appropriate, on the site.

In respect of school provision demographic modelling is undertaken and monitored by CYPES to assess the capacity of local schools and to inform catchment management and CYPES have advised that there is local capacity to accommodate demand which may arise from new development.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representations received in regard to the proposed designation of this field to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is **not minded to amend** the proposed designation of Field: S530 as an affordable housing site, as set out in the draft bridging Island Plan.

APPENDIX 10

Field: S530, Field S729, New York Lane, St. Saviour - (Southern section of former Longueville Nurseries site),

Summary of representations received

- amendment [P.036/2021](#) - (02) - Provision of Affordable Housing
- the site is next to a preservation area, and is liable to flood
- vehicular access is difficult and served by an awkward junction
- the Jersey Farmer's Union Council cannot support any development on greenfield sites. Nevertheless, we do understand the chronic affordable housing shortage in the Island. However, this designated field in order of priority to the industry is: "Not in use for agriculture".

Minister's detailed comments

It is explicitly acknowledged that the site is not in agricultural use and the Minister for the Environment acknowledges and is grateful for the comments received in this respect.

The Minister for the Environment acknowledges the objection registered in relation to the proposed use of this site for the provision of affordable homes, evidenced by the lodging of an amendment which seeks the removal of the site from the draft plan as an affordable housing site.

In terms of the issues raised in the amendment, the Minister would comment that whilst the site and the surrounding area forms part of the catchment associated with Rue des Prés marshland (a designated site of special interest of ecological value), to the south of Longueville Road, the site itself does not contain, or is adjacent to any designated site of biodiversity value. Any development of the site would need to consider any potential impact upon biodiversity and seek to avoid or mitigate it.

It is acknowledged that the area is prone to flooding, however, this affects land to the west and south of the site in particular. The site itself is not considered to be at risk of flooding.

In terms of site access, the site links to the public highway network via New York Lane and then onto Longueville Road, which forms part of the primary route network. Any development would need to demonstrate that safe access can be provided. The site has previously served as a garden centre, where trip generation would have been significantly higher than the development of a residential form of development on the site. Local transport infrastructure improvements would be sought as part of any development of the site.

It is currently proposed that the site's development for homes would be conditional upon the restoration of the northern part of the site to an agricultural or environmental beneficial use. This issue was raised and recommended when the site was previously considered as part of an earlier Island Plan review. It is, however, now apparent that the northern part of the site is well screened, and that the development activity which takes place on this part of the site has, as a consequence, limited impact upon local landscape

character. On this basis, the Minister would be minded to secure any further environmental enhancement of the northern part of the site, as opposed to seeking to change the authorised use of the land.

Minister's recommendation

The Minister for the Environment acknowledges the views expressed from the representation received in regard to the proposed designation of this field to provide affordable housing.

The Minister recommends that the planning inspector tests the appropriateness of the proposed use of the site, relative to the representations received, and having regard to the evidence provided within the draft bridging Island Plan and supporting documents.

Minister's intention

The Minister for the Environment is **not minded to amend** the proposed designation of Field: S729 as an affordable housing site, as set out in the draft bridging Island Plan.

The Minister would be **minded** to make the development of the site conditional upon further environmental enhancement of the northern part of the site, as opposed to requiring its restoration to agriculture or an environmentally beneficial use.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 27 - Policy H5 - States owned land

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representation received

[P.036/2021](#) (41) States' owned land

- whilst the draft Island Plan sets out a strategy to provide affordable homes, it is insufficient to meet demand
- all government-owned land should be being used to meet the need for affordable homes, including land owned by government-owned companies, rather than providing open market housing and investment opportunities
- this amendment would ensure that, except where it can be demonstrated that it is unviable to do so, planning permission would not be granted for homes on government-owned sites, or sites that are owned by government-owned bodies, unless they meet the planning guidance definition of "affordable".

Minister's comments

The Minister for the Environment supports the premise that underpins this amendment and shares the view that the development of States'-owned land should be used to meet the community's needs and aspirations. The Minister is, however, concerned to ensure that this principle is not applied in a prescriptive manner but rather that it is place-specific and responds appropriately to the context of different areas and sites.

In the case of the St Helier Waterfront, for example – to which this amendment would apply, relative to the land administered by the States of Jersey Development Company on behalf of the States of Jersey – we are presented with a significant opportunity to develop a new quarter of St Helier that should complement and make a positive contribution to the town. There is a need to ensure that the development of this area, and others, is undertaken in a way that leads to the creation of a sustainable community, where there is a mix of homes supported by access to range of community infrastructure and public facilities, including a good quality public realm and open space, that imbues the area with a sense of place and local identity.

The Minister is concerned that a prescriptive blanket approach that focuses exclusively on the provision of affordable homes may not be best able to deliver this objective. This point, whilst illustrated in the context of the St Helier Waterfront, would also apply more widely.

Work is already underway to develop and provide guidance (to the States of Jersey Development Company specifically) with the aim of maximising the proportion of affordable homes, together with a range of other residential accommodation of varying types and tenure, to help meet the housing aspirations of other islanders at the Waterfront, and at South Hill, while maintaining the overall viability of schemes, including all public realm improvements and other community and leisure uses ([P.165/2020 amd](#). and [P.69/2021](#)).

The Minister for the Environment favours an approach that enables a greater degree of flexibility, through the use of area or site-specific guidance, where there is greater potential to adopt a more tailored approach to the development of a States'-owned site or an area that addresses the most appropriate housing mix (tenure, size and type); together with the provision and enhancement of community infrastructure and public realm enhancement to help make Town a better place to live and contribute to placemaking.

The Minister wants to see an end to speculative development of public land to provide by to-let opportunities which have led to speculation.

It is vital that there is a balanced approach to future housing provision on States owned land: that is responsive to place, site and demand delivered to meet the objectives of creating sustainable communities.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further.

Minister's intention

The Minister for the Environment is **not minded** to accept the proposed amendment to Policy H5, which would result in the following changes (in red).

The Minister would however consider a more nuanced approach to achieve the objective, having regard to both planning and other mechanisms as appropriate.

(Extract of relevant section of Policy H5 only)

Policy H5 – Provision of affordable homes

The following sites are specifically zoned for the provision of affordable homes and their development for any other use will not be supported....

.... Where States of Jersey or States-owned companies' land is brought forward for the development of new homes, all of the homes provided on it should be affordable (except where the provision of only affordable homes would render the development unviable). The development of social rent affordable housing and affordable housing for purchase ~~on these sites, together with any other government-owned sites or sites to be developed by arms-length bodies, that are brought forward for the provision of affordable homes over the plan period,~~ will be regulated through the grant of planning permission and planning obligation agreements to ensure that they remain available as affordable homes in perpetuity.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 28 - Policy H5 - Tenure mix on affordable housing sites

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representation received

Jersey Strategic Homelessness Board

- the Homelessness Strategy¹ calls for the recommendations of the 2018 review of the social housing register² to be fully implemented including:
 - widening access to the Housing Gateway for additional households, such as childless couples and single people aged between 25 and 49.
 - increasing the income threshold for eligibility to social housing.
 and there is the potential for this to create a dramatic increase in demand for rental accommodation.
- affordable family-sized accommodation for rent can be difficult to deliver due to land values and for a certain density of development to enable financial viability. The proposed rezoned sites provide a fairly unique opportunity to develop family accommodation. The current 20:80 split (in the current Island Plan) may be more appropriate in order to maximise this opportunity for family-sized rental homes.

Andium Homes

- housing demand can change in response to a number of influences. The demand for homes should be regularly reviewed by the Minister for Housing & Community's Strategic Housing & Regeneration Team, so that action can be taken to vary the mix and tenure of developments already planned.
- tenure split: to be truly effective this should be consistent across all providers and all sites.
- on an annual basis Andium Homes sells up to 60 of its existing rental homes to Gateway First Time Buyers. This additional supply of first-time buyer homes creates a commensurate reduction in the existing stock of rental homes. For this to be sustainable these rental homes must be replaced.
- to avoid a potential undersupply of social rented properties and in particular family houses, the mix on the proposed rezoned sites should be reconsidered to take into account the sale of existing rental homes to first time buyers (up to 60/annum).
- maintaining the 80% rental and 20% affordable purchase ratios would increase the supply of new rental homes by circa 160 homes.
- flexibility in the tenure mix may be necessary over time, to ensure that prevailing housing needs are met.

[P.036/2021](#) (29) States' owned land

- Fields S470 and S415A: the homes built on these fields must be for first-time buyers only.

¹ [Homelessness Strategy Document](#)

² [Review Access Social Housing](#)

- purchasing, rather than renting, imbues a greater sense of belonging – of joining and integrating into the community – and will allow the already existing community spirit to flourish.

Minister's comments

The Minister acknowledges the challenges highlighted in relation to the provision of rental accommodation, and specifically family homes, to help tackle Jersey's homelessness challenges; and also acknowledges the potential shift in demand for rental accommodation.

The Minister also acknowledges the comments made by the Connétable of St Saviour and is cognisant that the provision of social-rented accommodation at Les Cinq Chenes is immediately adjacent to sites proposed for new affordable homes in St Saviour and that, in order to ensure more resilient and mixed communities, a place-specific tailored approach to tenure mix may be appropriate here, having regard to the provision of affordable housing across the wider area.

The draft plan already makes it clear that the required mix, type and tenure of homes to be delivered on sites identified for affordable housing may change, in light of new evidence, over the plan period and Policy H5 itself provides the flexibility for this to be accommodated.

The Minister, however, acknowledges that specifying a specific tenure split on the face of the policy – currently set at 45% social rent: 55% affordable homes for purchase – does not best reflect and respond to changes in demand or the specific housing mix requirements of a certain locality. The housing mix (tenure, size and type) may be best dealt with through the development of supplementary guidance for each affordable housing site, rather than on the face of the policy, where there will be opportunity for the Minister for the Environment to consult with the Minister for Housing and Communities, the parish and other stakeholders, to ensure that the development of specific sites best meets island-wide and local needs.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further.

Minister's intention

The Minister for the Environment is **not minded** to accept the proposed amendment to Policy H5, which would result in the following changes (in red).

The Minister is, however, **minded to give consideration to further amendment**, to the policy (highlighted separately in green), to provide greater flexibility in tenure mix to better meet changing demands. This would effectively ensure that, in the case of the sites identified by the Connétable of St Saviour, that consideration to securing the appropriate tenure mix for this site, having regard to the provision of affordable homes throughout Five Oaks, could be arrived at through consultation and engagement with the parish, the Minister for Housing and Communities and housing stakeholders, to ensure provision is best tailored to needs at the time, and relative to the area.

Policy H5 – Provision of affordable homes

The following sites are specifically zoned for the provision of affordable homes and their development for any other use will not be supported:

| | | |
|--------------------------|-------------|------------------------------|
| 1. Field G392A | Grouville | (0.75 hectares/4.2 vergées) |
| 2. Field H1186A | St. Helier | (0.45 hectares/2.5 vergées) |
| 3. Field H1189 | St. Helier | (0.85 hectares/4.7 vergées) |
| 4. Field H1198 | St. Helier | (0.40 hectares/2.2 vergées) |
| 5. Field H1219 | St. Helier | (1.20 hectares/6.6 vergées) |
| 6. Field MN389 and MN390 | St. Martin | (0.90 hectares/5.0 vergées) |
| 7. Field MN410 | St. Martin | (0.75 hectares/4.2 vergées) |
| 8. Field O594 and O595 | St. Ouen | (1.00 hectares/5.5 vergées) |
| 9. Field P632 | St. Peter | (1.30 hectares/7.2 vergées) |
| 10. Field S413 | St. Saviour | (0.70 hectares/3.9 vergées) |
| 11. Field S415 | St. Saviour | (0.45 hectares/2.5 vergées) |
| 12. Field S415A | St. Saviour | (0.30 hectares/1.7 vergées) |
| 13. Field S470 | St. Saviour | (0.80 hectares/4.4 vergées) |
| 14. Field S530 | St. Saviour | (2.00 hectares/11.1 vergées) |
| 15. Field S729 | St. Saviour | (0.45 hectares/2.5 vergées) |

The development of the following sites, where they are co-located, will only be supported where they are developed together, as part of a comprehensive scheme of residential development:

- Field H1186A, Field H1189 and Field H1198, St. Helier
- Field MN389 and MN390, St. Martin
- Field O594 and O595, St. Ouen
- Field S413, Field S415, Field S415A and Field S470, St. Saviour

~~All of these sites (listed at 1.-15. above)~~ Those sites listed at 1.-11. and 14.-15. above should be developed in accordance with guidance to be issued by the Minister for the Environment ~~and,~~ unless otherwise specified, in the proportions of 45% for social rent and 55% for purchase, except where an alternative tenure split:

- can be justified, having regard to latest evidence of need
- enables the 'right-sizing' of homes within the existing housing stock; or
- can be justified relative to any other overriding justification.

The following sites – fields S415A and S470 (listed at 12.-13. above) – should be developed for affordable homes for purchase only, in order that they might be accessible solely for first-time buyers.

The following site has an existing planning permission for affordable housing and is zoned on the proposals map for this purpose:

| | | |
|--------------------|-----------|----------------------------|
| 16. Field No. J525 | St. John. | (0.6 hectares/3.3 vergées) |
|--------------------|-----------|----------------------------|

The development of social rent affordable housing and affordable housing for purchase on these sites, together with any other government-owned sites or sites to be developed by arms-length bodies, that are brought forward for the provision of affordable homes over the plan period, will be regulated through the grant of planning permission and planning obligation agreements to ensure that they remain available as affordable homes in perpetuity.

The provision of homes to facilitate 'right-sizing' of existing housing stock will be subject to occupancy conditions restricting occupancy to those who are genuinely 'right-sizing' from an existing home that is either over or under-occupied.

Policy H5 – Provision of affordable homes

The following sites are specifically zoned for the provision of affordable homes and their development for any other use will not be supported:

| | | |
|---------------------------|-------------|------------------------------|
| 17. Field G392A | Grouville | (0.75 hectares/4.2 vergées) |
| 18. Field H1186A | St. Helier | (0.45 hectares/2.5 vergées) |
| 19. Field H1189 | St. Helier | (0.85 hectares/4.7 vergées) |
| 20. Field H1198 | St. Helier | (0.40 hectares/2.2 vergées) |
| 21. Field H1219 | St. Helier | (1.20 hectares/6.6 vergées) |
| 22. Field MN389 and MN390 | St. Martin | (0.90 hectares/5.0 vergées) |
| 23. Field MN410 | St. Martin | (0.75 hectares/4.2 vergées) |
| 24. Field O594 and O595 | St. Ouen | (1.00 hectares/5.5 vergées) |
| 25. Field P632 | St. Peter | (1.30 hectares/7.2 vergées) |
| 26. Field S413 | St. Saviour | (0.70 hectares/3.9 vergées) |
| 27. Field S415 | St. Saviour | (0.45 hectares/2.5 vergées) |
| 28. Field S415A | St. Saviour | (0.30 hectares/1.7 vergées) |
| 29. Field S470 | St. Saviour | (0.80 hectares/4.4 vergées) |
| 30. Field S530 | St. Saviour | (2.00 hectares/11.1 vergées) |
| 31. Field S729 | St. Saviour | (0.45 hectares/2.5 vergées) |

The development of the following sites, where they are co-located, will only be supported where they are developed together, as part of a comprehensive scheme of residential development:

- Field H1186A, Field H1189 and Field H1198, St. Helier
- Field MN389 and MN390, St. Martin
- Field O594 and O595, St. Ouen
- Field S413, Field S415, Field S415A and Field S470, St. Saviour

All of these sites (listed at 1.-15. above) should be developed in accordance with guidance to be issued by the Minister for the Environment which will address the site-specific tenure split and, where appropriate, the provision of homes to enable ~~and, unless otherwise specified, in the proportions of 45% for social rent and 55% for purchase, except where an alternative tenure split:~~

- ~~(i) can be justified, having regard to latest evidence of need~~
- ~~(ii) enables the 'right-sizing' of homes within the existing housing stock; or~~
- ~~(iii) can be justified relative to any other overriding justification.~~

The following site has an existing planning permission for affordable housing and is zoned on the proposals map for this purpose:

| | | |
|--------------------|-----------|----------------------------|
| 32. Field No. J525 | St. John. | (0.6 hectares/3.3 vergées) |
|--------------------|-----------|----------------------------|

The development of social rent affordable housing and affordable housing for purchase on these sites, together with any other government-owned sites or sites to be developed by arms-length bodies, that are brought forward for the provision of affordable homes over the plan period, will be regulated through the grant of planning permission and planning obligation agreements to ensure that they remain available as affordable homes in perpetuity.

The provision of homes to facilitate 'right-sizing' of existing housing stock will be subject to occupancy conditions restricting occupancy to those who are genuinely 'right-sizing' from an existing home that is either over or under-occupied.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 29 - Policy H5 - Rezoning request of Field L127, La Fraide Rue, St Lawrence for affordable homes

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representations received

- [P.036/2021](#) (18) Inclusion of Field L127, La Fraide Rue, St Lawrence for affordable homes

Minister's comments

This site was not originally submitted as part of the call for sites submissions but has been scored using the same high level suitability analysis as set out in the Housing land availability assessment of sites report¹.

The site subsequently scored as follows:

- Spatial score (1-4): 1
- Suitability Score (1-5): 3
- Landscape Score (1-7): 6
- Existing use Score (1-5): 2

Based upon this initial suitability analysis, the site performs poorly when compared to other sites, particularly on the spatial score as it is remote from local facilities, including St. Lawrence primary school and does not relate well to the proposed local centres of Carrefour Selous or St Lawrence village as identified on the proposals map.

It is an active agricultural field that cannot be integrated into the nearby local centre of Carrefour Selous and any development would be harmful to the character of this open countryside location. It is also noted that the site cannot be served by mains drains and would need to rely on a holding tank to be "filtered into the existing system during the night hours (22.00-06.00)". This is not considered to be acceptable and would not be supported.

It is on this basis, field PL127 has not been progressed as a suitable site for the development of homes and other sites were considered more suitable.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further, relative to the policy provision in the draft plan and to those sites put forward for consideration under the auspices of an amendment to this policy.

Minister's intention

The Minister for the Environment is **not minded** to support [amendment 18](#).

¹ [Housing land and assessment of sites](#)

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 30 - Policy H5 - Rezoning request of Field J939, La Route du Mont Mado, St John for affordable homes

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representations received

- [P.036/2021](#) (18) Inclusion of Field J939, La Route du Mont Mado, St John for affordable homes

Minister's comments

An initial high level suitability analysis of all the submitted sites has been undertaken, relative to established planning criteria, as set out in the Housing land availability assessment of sites report. This site scored as follows in the initial suitability analysis undertaken:

- Spatial score (1-4): 1
- Suitability Score (1-5): 3
- Landscape Score (1-7): 6
- Existing use Score (1-5): 2

Based upon this initial suitability analysis, the site performed poorly when compared to other sites, particularly on the spatial score as it is remote from local facilities, including St. John's primary school and does not relate well to the proposed local centre of St John's village as identified on the proposals map.

Although this field is adjacent to a small hamlet, it is in a predominantly open countryside location that cannot be integrated into the nearest local centre of Mont Mado and any development would be harmful to the character of this area.

It is on this basis that field J939 has not been progressed as a suitable site for the development of homes and other sites were considered more suitable.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further, relative to the policy provision in the draft plan and to those sites put forward for consideration under the auspices of an amendment to this policy.

Minister's intention

The Minister for the Environment is **not minded** to support [amendment 36](#).

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 31 - Policy H5 - Rezoning request of Field P558, La Rue des Sapins, St Peter for affordable homes

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representations received

- [P.036/2021](#) (Amendment) Inclusion of Field P558, La Rue des Sapins, St Peter for affordable homes

Minister's comments

An initial high level suitability analysis of all the submitted sites has been undertaken, relative to established planning criteria, as set out in the Housing land availability assessment of sites report¹ where only the 'best scoring' sites were selected for further detailed site review.

This site scored as follows in the initial suitability analysis undertaken:

- Spatial score (1-4): 3
- Suitability Score (1-5): 4
- Landscape Score (1-7): 6
- Existing use Score (1-5): 2

Based upon this initial suitability analysis, the site scored well when compared to other sites and a more detailed review has been undertaken to determine its suitability as a potential housing site.

The site relates well to the village centre of St Peter and many facilities are accessible by foot.

The site lies to the west of the village and it, together with a range of other fields in this area, were categorised as forming part of the eastern edge fields, as part of the Jersey Landscape Sensitivity Assessment (July 2020)². The landscape sensitivity of this particular field is considered to be medium and, in order to minimise the impact of its development on landscape character, there would need to be strengthening of the eastern boundary of the site, to assist its visual integration into the landscape. The impact of any development upon the settings of listed buildings along La Rue des Sapins would also need to be considered.

Access to the site is problematic, as it is currently from La Verte Rue, which is a narrow/single lane parish road and which would require widening or an alternative access provided. The site abuts La Rue des Sapins to the north, but this is also not capable of accommodating any significant increase in traffic. It is on this basis, that field P558 has not been progressed as a suitable site for the development of homes and that other sites were considered more suitable.

Given that Field P632, to the south of La Verte Rue, is already proposed to be developed for the provision of affordable homes, there may be scope to explore the potential to enhance the site's accessibility through the widening of La Verte Rue.

¹ [Housing land and assessment of sites](#)

² [Jersey Landscape Sensitivity Study](#)

Should either demand or supply assumptions change as a result of recommendations made by the planning inspector following the examination in public, then this site may be considered more favourably, provided that an acceptable access could be secured, and its inclusion maintained the overall supply and sustainable distribution of development, as set out in the Minister's Statement SR26 - Provision of affordable homes.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further, relative to the policy provision in the draft plan and to those sites put forward for consideration under the auspices of an amendment to this policy.

Minister's intention

The Minister for the Environment is currently **not minded** to support the [amendment](#), unless other sources of supply fall away.

This is in line with the Statement SR26 - Provision of affordable homes where the Minister would only be minded to consider amendment of the plan, involving the addition of replacement sites, to maintain its integrity in terms of affordable housing supply and the sustainable distribution of development.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 32 - Policy H5 - Rezoning request of Field P559, La Route du Manoir, St Peter for affordable homes

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representations received

- [P.036/2021](#) (40) Inclusion of Field P559, La Route du Manoir, St Peter for affordable homes

Minister's comments

This amendment seeks to develop part of field P559 in addition to and in conjunction with Field P632 which already features as one of the sites proposed for the provision of affordable homes in policy H5.

An initial high level suitability analysis of all the submitted sites has been undertaken, relative to established planning criteria, as set out in the Housing land availability assessment of sites report¹ where only the 'best scoring' sites were selected for further detailed site review.

This site scored as follows in the initial suitability analysis undertaken:

- Spatial score (1-4): 3
- Suitability Score (1-5): 4
- Landscape Score (1-7): 6
- Existing use Score (1-5): 2

Based upon this initial suitability analysis, the site scored well when compared to other sites and a more detailed review has been undertaken to determine its suitability as a potential housing site. The site has many of the same good characteristics to field P632, including the spatial and suitability scoring, as the site relates well to the village centre of St Peter and many facilities are accessible by foot.

The site lies to the east of the village and it, together with a range of other fields in this area, were categorised as forming part of the eastern edge fields, as part of the Jersey Landscape Sensitivity Assessment (July 2020)². The landscape sensitivity of this particular field is considered to be medium and, in order to minimise the impact of its development on landscape character, there would need to be strengthening of the eastern boundary of the site, to assist its visual integration into the landscape.

Access to the site may be an issue as the narrow lanes north and south of it would struggle with an intensification of use. Given that Field P632 is, however, already proposed to be developed for the

¹ [Housing land and assessment of sites](#)

² [Jersey Landscape Sensitivity Study](#)

provision of affordable homes, there may be scope to explore the potential to enhance the site's accessibility as part of a more comprehensive development.

Should either demand or supply assumptions change as a result of recommendations made by the planning inspector following the examination in public, then this site may be considered more favourably, provided that an acceptable access could be secured; the site could be brought forward and developed with Field P632 as a comprehensive form of development; and its inclusion maintained the overall supply and sustainable distribution of development, as set out in the Minister's Statement SR26 Policy H5 on the Provision of affordable homes.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further, relative to the policy provision in the draft plan and to those sites put forward for consideration under the auspices of an amendment to this policy.

Minister's intention

The Minister for the Environment is currently **not minded** to support [amendment 40](#), unless other sources of supply fall away.

This is in line with the Statement SR26 Policy H5 on the Provision of affordable homes where the Minister would only be minded to consider amendment of the plan, involving the addition of replacement sites, to maintain its integrity in terms of affordable housing supply and the sustainable distribution of development.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 33 - Policy H5 - Rezoning request of Field MY563, La Rue de la Rosiere, St Mary for affordable homes

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representations received

- [P.036/2021](#) (49) Inclusion of Field MY563, La Rue de la Rosiere, St Mary for affordable homes

Minister's comments

An initial high level suitability analysis of all the submitted sites has been undertaken, relative to established planning criteria, as set out in the Housing land availability assessment of sites report¹. This site scored as follows in the initial suitability analysis undertaken:

- Spatial score (1-4): 3
- Suitability Score (1-5): 3
- Landscape Score (1-7) : 6
- Existing use Score (1-5): 2

Based upon this initial suitability analysis, the site scored well when compared to other sites and a more detailed review has been undertaken to determine its suitability as a potential housing site.

The site is relatively close to existing village facilities with a small shop and petrol station to the east of the site on the main road into the village and the parish primary school just north of the village is within safe walking distance of this site. There is also good vehicular access from La Rue de La Vallée to the west and La Rue de la Rosiere from the east: ideally, the site would be accessed from the existing residential development immediately to the south.

The site lies to the south of the village and it was classed as an inner field which is defined as a substantial area of open ground lying between satellite housing, as part of the Jersey Landscape Sensitivity Assessment (July 2020). The field has some views towards the church, but its southern gradient makes it less significant than the adjacent 'core pasture' fields.

The site is separated by the 'core pasture' fields MY 497-98 and MY564 from the village and could not, therefore, be naturally integrated into the existing built-up area boundary, when compared to other more suitable sites selected under Policy H5. In terms of the wider spatial strategy of the draft plan, St Mary is less well served by transport options than other parts of the island. On this basis was not taken forward in the draft plan.

Should either demand or supply assumptions change as a result of recommendations made by the planning inspector following the examination in public, then this site may be considered more favourably, provided that an acceptable access could be secured and its inclusion maintained the

¹ [Housing land and assessment of sites](#)

overall supply and sustainable distribution of development, as set out in the Minister's Statement SR26 - Provision of affordable homes.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further, relative to the policy provision in the draft plan and to those sites put forward for consideration under the auspices of an amendment to this policy.

Minister's intention

The Minister for the Environment is currently **not minded** to support [amendment 49](#), unless other sources of supply fall away.

This is in line with the Statement SR26 - Provision of affordable homes where the Minister would only be minded to consider amendment of the plan, involving the addition of replacement sites, to maintain its integrity in terms of affordable housing supply and the sustainable distribution of development.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 34 - Policy H5 - Rezoning request of Field MY493, La Route de L'Eglise, St Mary for affordable homes

Relevant policies

Policy H5 – Provision of affordable homes

Summary of representations received

- [P.036/2021](#) (50) Inclusion of Field MY493, La Route de L'Eglise, St Mary for affordable homes

Minister's comments

An initial high level suitability analysis of all the submitted sites has been undertaken, relative to established planning criteria, as set out in the Housing land availability assessment of sites report¹ where only the 'best scoring' sites were selected for further detailed site review.

This site scored as follows in the initial suitability analysis undertaken:

- Spatial score (1-4): 3
- Suitability Score (1-5): 3
- Landscape Score (1-7) : 6
- Existing use Score(1-5): 2

Based upon this initial suitability analysis, the site scored reasonably well, and a more detailed review has been undertaken to determine its suitability as a potential housing site.

The site can be integrated into St Mary's village and subsequently performed well against the spatial and suitability scoring. As part of the Jersey Landscape Sensitivity Assessment (July 2020), this field is, however, considered to form part of the group of the fields in the 'inner core' of the village which give the village much of its character which are important in allowing unimpeded views and helping to form an uncluttered landscape setting to core historic buildings.

It is concluded that there is no scope to accommodate housing development in this area generally, including the development of this field, without significant adverse landscape or visual impacts arising.

It is on this basis, field J939 has not been progressed as a suitable site for the development of homes and other sites were considered more suitable.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further, relative to the policy provision in the draft plan and to those sites put forward for consideration under the auspices of an amendment to this policy

¹ [Housing land and assessment of sites](#)

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 35 - Policy H6 - Rezoning request of Field MN489, La Longue Rue, St Martin for affordable over 55's homes

Relevant policies

Policy H6 – Supported housing

Summary of representations received

- [P.036/2021](#) (17) Inclusion of Field MN489, La Longue Rue, St Martin for affordable over-55's homes
- this site is being proposed for over-55's housing under changes to policy H6: supported housing
- for all homes to be allocated to St. Martin parish residents and access to them to be administered by St. Martin's Parish.

Minister's comments

An initial high level suitability analysis of all the submitted sites has been undertaken, relative to established planning criteria, as set out in the Housing land availability assessment of sites report¹. This site scored as follows in the initial suitability analysis undertaken:

- Spatial score (1-4): 3
- Suitability Score (1-5): 4
- Landscape Score (1-7): 6
- Existing use Score (1-5): 2

Based upon this initial suitability analysis, the site scored reasonably well and a more detailed review has been undertaken to determine its suitability as a potential housing site.

The site falls into an identified Local Landscape Unit (Village Edge Fields) which is recognised as being of relatively high sensitivity and, therefore, easily damaged by development.

Although the site relates well to the sheltered housing development of La Court Clos, it clearly lies outside of the village envelope and any development of the site would not serve to consolidate or 'round-off' the built form of the village.

Access to the site is quite poor and would have to be taken through La Court Clos.

The planning assessment of the site suggests that the site would not be potentially suitable for development to provide homes, other sites were considered to be more appropriate, and the site was not brought forward in the draft plan as a site for the provision of affordable homes.

The current amendment seeks to deliver homes in which some form of parish-assisted purchase is provided for older parishioners based on some form of assessment of need, also undertaken by the parish.

¹ [Housing land and assessment of sites](#)

Notwithstanding the planning assessment of this site, the Minister considers that the draft plan sets out a mechanism to help deliver affordable homes and to enable right-sizing in a way that clearly helps meet housing need across the island, as assessed by the Housing Gateway under auspices of Policy H5; and also to provide a policy mechanism to provide supported homes for those people who require form of support and care, under the auspices of Policy H6. The Minister has set out further comments in relation to this in his statement response SR39: Demand for over 55's and right-sizing homes.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector has regard to the comments above and seeks to examine whether the provision made in the draft plan to enable the best use of the island's housing stock, relative to the issues raised in the representations made, is proportionate and appropriate.

Minister's intention

The Minister for the Environment is **not minded** to support [amendment 17](#).

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 36 - Policy H6 - Rezoning request of Field J229, La Route du Nord, St John for affordable homes

Relevant policies

Policy H6 – Supported housing

Summary of representations received

- [P.036/2021](#) (34) Inclusion of Field J229, La Route du Nord, St John for affordable over-55's homes
- this site is being proposed for over-55's housing under changes to policy H6: supported housing
- for all homes to be allocated to St. John parish residents and access to them to be administered by the Greenwood Housing Association.

Minister's comments

An initial high level suitability analysis of all the submitted sites has been undertaken, relative to established planning criteria, as set out in the Housing land availability assessment of sites report¹. This site scored as follows in the initial suitability analysis undertaken:

- Spatial score (1-4): 3
- Suitability Score (1-5): 3
- Landscape Score (1-7): 6
- Existing use Score (1-5): 2

Based upon this initial suitability analysis, the site scored reasonably well and a more detailed review has been undertaken to determine its suitability as a potential housing site.

Whilst adjacent to the existing shelter housing complex at Maison Le Vesconte the proposed development is a separate entity. The site is in close proximity to the village centre (under 0.25km) and many facilities are accessible by foot.

Field JN229 lies beyond the envelope of the village and any development of the field could result in a ribbon of development encroaching into the open, rural landscapes that stretch up to the north coast.

As part of the Jersey Landscape Sensitivity Assessment (July 2020), this field is, however, considered to form part of the group of the fields that comprise the 'northern village fringe fields': together, they form a physical and visual buffer between the coast and St John's Village. This, combined with its relatively open character, and its elevation and position on the horizon, means that this area is considered to be of high sensitivity to housing development and that any development here would adversely affect the landscape character of the area, and damage the setting of the village. The site is presently covered in scrub and treed, the loss of which would also have potential implications for biodiversity.

¹ [Housing land and assessment of sites](#)

On this basis, the site is not considered suitable for development to provide homes. The current amendment seeks to deliver homes in which some form of parish-assisted purchase is provided for older parishioners based on some form of assessment of need, also undertaken by the parish.

Notwithstanding the planning assessment of this site, the Minister considers that the draft plan sets out a mechanism to help deliver affordable homes and to enable right-sizing in a way that clearly helps meet housing need across the island, as assessed by the Housing Gateway under auspices of Policy H5; and also to provide a policy mechanism to provide supported homes for those people who require form of support and care, under the auspices of Policy H6. The Minister has set out further comments in relation to this in his statement response SR39: Demand for over 55's and right-sizing homes.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector has regard to the comments above and seeks to examine whether the provision made in the draft plan to enable the best use of the island's housing stock, relative to the issues raised in the representations made, is proportionate and appropriate.

Minister's intention

The Minister for the Environment is **not minded** to support [amendment 34](#).

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 37 - Policy H6 - Rezoning request of Field J236, La Rue du Cimetiere, St John for affordable homes

Relevant policies

Policy H6 – Supported housing

Summary of representations received

- [P.036/2021](#) (35) Inclusion of Field J236, La Rue du Cimetiere, St John for affordable over-55's homes
- this site is being proposed for over-55's housing under changes to policy H6: supported housing
- for all homes to be allocated to St. John parish residents and access to them to be administered by the Greenwood Housing Association.

Minister's comments

An initial high level suitability analysis of all the submitted sites has been undertaken, relative to established planning criteria, as set out in the Housing land availability assessment of sites report¹. This site scored as follows in the initial suitability analysis undertaken:

- Spatial score (1-4): 3
- Suitability Score (1-5): 3
- Landscape Score (1-7): 7
- Existing use Score(1-5): 2

Based upon this initial suitability analysis, the site scored reasonably well and a more detailed review has been undertaken to determine its suitability as a potential housing site.

The site can be reasonably integrated into St John's village and subsequently performed relatively well against the spatial and suitability scoring. As a site for people aged over-55, the site is over 0.5km from the facilities in the village.

In terms of its landscape sensitivity and its capacity to accommodate development without harm to the landscape character of the village, Field 236 is considered to have a limited physical and visual connection to the historic village core and is visually discrete and could thus absorb new development reasonably well.

Whilst the planning assessment of the site suggests that the site may be potentially suitable for development to provide homes, other sites were considered to be more appropriate, and the site was not brought forward in the draft plan as a site for the provision of affordable homes.

The current amendment seeks to deliver homes in which some form of parish-assisted purchase is provided for older parishioners based on some form of assessment of need, also undertaken by the parish.

¹ [Housing land and assessment of sites](#)

Notwithstanding the planning assessment of this site, the Minister considers that the draft plan sets out a mechanism to help deliver affordable homes and to enable right-sizing in a way that clearly helps meet housing need across the island, as assessed by the Housing Gateway under auspices of Policy H5; and also to provide a policy mechanism to provide supported homes for those people who require form of support and care, under the auspices of Policy H6. The Minister has set out further comments in relation to this in his statement response SR39: Demand for over 55's and right-sizing homes.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector has regard to the comments above and seeks to examine whether the provision made in the draft plan to enable the best use of the island's housing stock, relative to the issues raised in the representations made, is proportionate and appropriate.

Minister's intention

The Minister for the Environment is **not minded** to support [amendment 35](#).

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 38 - Disability inclusion - homes for independent living

Relevant policies

Policy H6: Supported housing

Policy GD6: Design quality

Summary of representations received

[P.036/2021](#) (22) Disability inclusion – homes for independent living

- more explicit consideration of disability and inclusion in policies aimed to support the provision of homes for independent living.

Minister's comments

The need to give explicit consideration for people with disability is already recognised throughout the plan and is also referenced in the two policies proposed to be amended (Policy H6 and GD6). As set out in the preamble to the policy it is already clear that 'new housing must meet the diverse, specialised needs of people with disabilities, those requiring some degree of care, and vulnerable people in order to ensure equal access to housing and equitable social outcomes' (draft plan; supported housing policy preamble p. 194).

The proposed alterations also represent something of a tautology i.e. inclusive design (at GD6), by definition, embraces the need to design for all forms of desirability.

The Minister, however, recognises that the planning system needs to be inclusive and is content to give emphasis to the issue.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the Minister's comments.

Minister's intention

The Minister for the Environment is **minded** to accept the proposed amendment and, as a consequence of the amendment, to support the following changes (in red).

Policy H6 – Supported housing

To enable the supply of supported housing **and homes that will support independent living for those with disabilities and additional needs**, proposals for the development of supported **or specifically designed and adapted** homes, including residential care homes and extra-care homes, will be supported in the island's built-up areas.

Development proposals which would result in a net loss of supported homes will not be supported except where:

- i. the proposal would result in the replacement of substandard accommodation with homes that meet current standards; or
- ii. the replacement homes would better meet the island's housing need.

Policy GD6 – Design quality

A high quality of design that conserves, protects and contributes positively to the distinctiveness of the built environment, landscape and wider setting will be sought in all developments, in accord with the principles of good design.

Development will be supported where it can be demonstrated that the design successfully addresses the following key principles:

1. the relationship of the development to existing buildings, settlement form and distinctive characteristics of a place having regard to the layout, form and scale (height, massing, density) of the development;
2. the use of materials, details, colours, finishes, signs and illumination relative to the character and identity of the area; and its townscape or landscape setting;
3. its impact upon neighbouring uses, including land and buildings and the public realm;
4. its integration into the existing area with safe links to local spaces and places; achievement of the highest standards of accessible and inclusive design, **having regard to the needs of those with disabilities**; and the need to make provision for safe access, movement and parking, where relevant, by all modes, giving priority to active travel and promoting the use of low emission vehicles;
5. the need to design out crime, and the fear of crime, and to facilitate personal and public safety and security in accordance with the principles of safety by design;
6. the protection and enhancement of green infrastructure, as an integral element of design;
7. the operation of the development in practice and how people will access and use it on a day-to-day basis, both now and in future, having regard to its servicing and maintenance; and
8. the sustainable use of resources including land, natural, water, energy and materials with storage, waste, servicing and provision of utilities integrated into the design.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 39 - Demand for over 55's /right-sizing homes

Relevant policies

Policy H6 – Supported Housing

Policy H5 – Affordable Housing

Summary of representations received

- some of the island's parishes are of the view that, on the basis of waiting lists which they maintain, there is a demand for over 55's accommodation;
- in order to provide right sizing accommodation, it is considered appropriate that sites be specifically allocated for the provision of smaller, age-restricted accommodation within the parish
- some parish-sponsored amendments make it clear that they wish to manage the lists, (rather than through the Government of Jersey housing gateway) and allocate the housing to parish residents as a priority
- sites that have been put forward for over-55's housing, in the form of both amendments and representations, include:
 - Field MN489, St. Martin
 - Field J229, St. John
 - Field J236, St. John

Minister's detailed comments

The representations received are specifically for the provision of homes for people aged over-55¹, to be delivered on exclusively rezoned sites for this purpose.

The demand for such households wishing to downsize (right size), as set out in the BIP, is currently an estimate based upon demographic modelling set out in the Objective Assessment of Housing Need which identifies the number of households and is then combined with evidence in the 2011 census².

The 2011 Census data, when considering households aged over 55 - which is the target age band for age restricted housing amendments proposed to the draft bridging Island Plan - indicates that:

- **across all tenures:** there are 10,630 over-55's households with one or more spare bedrooms

¹ The (minimum) over 55's age restriction is derived from work undertaken in 2004 in Jersey as part of the Island-Wide Strategy for the Ageing Society (ISAS) which, following engagement with agencies such as the Joseph Rowntree Foundation, reached a view that providing homes that were age-restricted beginning at over-55 would capture those 'younger' older people who may make a more proactive choice to move home (right-size), rather than being 'required' to do so in later life.

² The 2011 Census highlighted that across all age-bands, around a quarter (26%) of households were under-occupying their accommodation, that is they had at least two bedrooms more than they needed as measured by the Bedroom Standard. The rate of under-occupation was highest for owner-occupied households (42%).

- **for owner-occupiers:** there are 9,090 over-55's households with one or more spare bedrooms
- **for owner-occupiers:** there are 6,720 over-55's households with one or more spare bedroom, where this is a 3+bed house
- **for owner-occupiers:** there are 5,900 over-55's households who are under occupying with two or more spare bedrooms (56% of all owner-occupier over 55's)

The Minister is of the view that enabling and supporting people to move from accommodation they are under-occupying into smaller accommodation more aligned to household size - known as right-sizing - can help promote better efficiency in the use of the existing housing stock, and can also help 'release' larger, family homes.

To assist in this process, the draft Island Plan sets out a policy framework which can assist in a number of ways.

Policy H4: Meeting housing needs, seeks to ensure that a mix of homes is provided as part of new development to ensure that they cater for a range of needs, by size and type. This policy can, therefore, help to deliver smaller units of accommodation to enable right-sizing, and indeed, much of the provision of new homes delivered under the current Island Plan has been in the form of one- and two-bed homes.

It is also relevant to note that, since 2008 as a consequence of the work undertaken under the auspices of the Island-Wide Strategy for the Ageing Society, the island's building bye-laws have been amended to ensure that all new homes provided in the island adopt lifetime homes standards. In this respect, therefore, all new homes provided in the island since that time should help meet the needs of the ageing society.

The draft plan also supports and enables the provision of a proportion of right-sizing homes on those sites already proposed to be zoned for the provision of affordable homes.

In order to ensure that this policy helps deliver homes to people who are in housing need, the policy seeks to ensure that the occupancy of any right-sizing homes would be regulated by planning obligation, and also that eligibility to access any such provision would be restricted to those who are genuinely downsizing and managed through the Gateway. In addition, it proposed that mechanisms are developed and applied to ensure that the existing homes which are released (by the 'right-sizers') are appropriate for, and remain available as, affordable homes for purchase in perpetuity.

For such a policy to work, the homes that are being released from those households that are 'right sizing' must also be affordable to meet the needs of households seeking to buy family homes, and it is likely that some form of price cap will be needed.

To realise this objective – of providing right-sizing accommodation, whilst releasing larger homes which can become affordable homes, to be accessed by people who are eligible for affordable housing when assessed through the Housing Gateway – requires a package of policies and for the planning system, related to the use of land, to work alongside housing policies relating to housing need and access.

The representations received are specifically for the provision of homes for people aged over-55, to be delivered on exclusively rezoned sites. Estimates of demand in support of these representations are not fully evidenced and are unlikely to have been the subject of any form of standardised assessment of housing need (such as the assessment that would be undertaken through the Government of Jersey Housing Gateway) and, as a consequence:

- it is not clear on what basis access to the 'right-sizing' accommodation would be determined; or
- whether there is any conditionality attached to the homes that are to be released (in terms of who might access them).

In this respect, therefore, these proposals essentially seek to use the planning system to rezone land for the provision of smaller age-restricted homes; and to release larger homes on to the market, without it being entirely clear on what basis specific planning policy intervention is required.

In addition to specifically seeking to meet the need for affordable homes, the draft plan seeks to enable the provision of homes for people who need some form of support – whether that is related to the type of property provided, or whether it is related to the provision of some form of personal or health care – under the auspices of Policy H6: Supported housing.

This policy is currently drafted where it is not prescriptive about age requirements and instead focuses on the type of home to be provided, and currently seeks to ensure the provision of residential care homes, and extra care homes, in particular to be delivered on existing built sites, predominantly within the built-up areas.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector has regard to the comments above and seeks to examine whether the provision made in the draft plan to enable the best use of the island's housing stock, relative to the issues raised in the representations made, is proportionate and appropriate.

Minister's intention

The Minister is **not minded** to support proposals to amend the draft plan to provide age-restricted homes where it is not clear that they are serving to help meet the need for affordable homes (under the auspices of Policy H5); or meet the need for some form of supported housing (under the auspices of Policy H6).

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 40 - Housing outside the built-up area

Relevant policies

Policy H8 – Housing outside the built-up area

Policy SP2 – Spatial strategy

Policy PL5 - Countryside, coast and marine environment

Summary of representations received

[P.036/2021](#) (26) Housing outside the built-up area

- housing crisis warrants more radical response, particular given need for access to more affordable homes
- housing is a key factor in determining quality of life, with particular impact on children's life chances
- the plan's focus is to provide more homes in the island's built-up areas, but town residents are less satisfied with their neighbourhoods: rural residents are more satisfied with their neighbourhoods
- the plan should be more flexible to allow more homes in the countryside, including:
 - the re-use of traditional agricultural buildings
 - the sub-division of existing homes
 - the redevelopment of ancillary residential buildings
 - small amounts of new residential development where a site, or part of a site, abuts or is in close proximity to, the existing built-up area
 - small amounts of new residential development where a site is part of an existing and definable building group
 - small amounts of new residential development where a site is adjacent to a rural hamlet
- this would contribute to the need for homes
- would not put undue strain on rural infrastructure
- would not harm landscape character

Minister's comments

The Minister is **minded to support** some enhanced flexibility in the planning policies governing the creation of new homes in the countryside, over and above that already provided by the draft plan, but does not support a complete relaxation of the planning policy regime.

The spatial strategy of this draft plan, and previous Island Plans before it, has been underpinned by seeking to deliver the most sustainable pattern of development in the island, at the same time as protecting the island's coast and countryside, by focusing development activity in and around existing built-up areas. Securing the sustainable development of the island is a fundamental purpose of the island's planning law.

The draft plan also acknowledges the need to provide homes, particularly affordable homes, and sets out a clear and realistic strategy in order to achieve this.

The Minister acknowledges the comments made about the relative dissatisfaction of islanders with town living. The draft plan, however, explicitly acknowledges the need to improve the experience of

urban living in Jersey, to ensure that islanders who live in urban centres have an improved living experience. The Minister seeks to ensure that this is achieved by improving the community infrastructure that is available to urban residents and that, through the development of new homes and infrastructure, the island's urban environment is improved. Delivering more homes in the countryside is not considered to be an appropriate response to this particular challenge and does little to improve the urban living environment of town residents; is likely to be unaffordable and inaccessible to many; and could have the potential to undermine the quality of the rural and coastal environment that the draft plan seeks to protect and which are assets that the entire community can enjoy.

The draft plan recognises that there are, however, circumstances where it may be appropriate to support the provision of new homes outside the built-up area, by exception, and Policy H8: Housing outside the built-up area sets these out in some detail. This already includes explicit provision – at Policy H8, but supported by other policy elsewhere in the draft plan – to enable the conversion of traditional farm buildings (at Policy ERE3); listed buildings (at Policy HE1) in order to provide residential accommodation where the use for which they were designed is no longer required or viable. The policy also sets out explicit policy tests for the re-use/conversion or redevelopment of existing dwellings or employment buildings in the countryside to provide homes.

The draft plan also makes explicit provision to enable the creation of a separate household, through extension or sub-division, to provide accommodation for a dependent in need of care, where the accommodation can be re-integrated into the principal dwelling.

The Minister for the Environment is, however, willing to give further consideration to the introduction of further flexibility to this particular provision to enable the provision of additional households within existing, or extended dwellings in the countryside, where this can help to ensure that optimal use is made of existing housing stock (the 2011 Census, for example, revealed that around a quarter (26%) of households were under-occupying their accommodation, that is they had at least two bedrooms more than they needed as measured by the Bedroom Standard. The rate of under-occupation was highest for owner-occupied households (42%)).

In this respect, therefore, the Minister is minded to consider greater flexibility in this policy to allow the creation of additional households within existing or extended dwellings in the countryside where:

- the provision of residential accommodation, to create additional households, satisfies minimum internal and external space standards;
- properties have sufficient services, space and infrastructure to accommodate additional household(s);
- where this does not lead to significant increases in overall potential occupancy (relative to the number of habitable bedrooms), to ensure that this does not lead to an unsustainable distribution of people living in the countryside; and
- where this can be achieved without creeping urbanisation and adverse impacts on the character of the countryside.

The circumstances where this is likely to apply are where the existing dwelling is reasonably large and has physical capacity to be sub-divided/extended to allow the creation of a separate household(s); where the number of additional bedrooms created would not significantly increase

the potential number of people capable of living at the property; the amenity space enjoyed by the property is sufficiently large to accommodate the necessary external private space relative to the number of households; parking provision, and where the property has adequate services and sewerage infrastructure, to accommodate additional households. This approach would make best use of already developed land and buildings and would have the potential to offer further support to, for example, multi-generational living, without creating undue strain upon the services and facilities in the countryside.

The Minister may also seek to use planning obligation agreements to ensure that units that may be created to accommodate a separate household cannot be sold separately to ensure that the integrity of the property is maintained and that, if necessary and appropriate, it might be converted back to a larger unit in the future, should that better serve the island's housing needs, such as multi-generational living.

The Minister does not, however, consider that introducing wider flexibility into the draft plan to enable the provision of more homes throughout the island's countryside – by, for example allowing new dwellings to be constructed within the grounds of existing residences, building groups or hamlets; or the conversion of ancillary residential buildings into homes – is an appropriate response to the need to provide more homes. It is considered that the cumulative impact of this could be significant and would undermine the spatial strategy of the draft plan (and previous Island Plans) resulting in:

- a less sustainable pattern of development, in terms of the need to travel by private car; and access to services and infrastructure; and
- the creeping urbanisation of the countryside, with potential adverse impact on rural character.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the comments made and invites the inspector to explore this issue further, relative to the policy provision in the draft plan and those sites put forward for consideration under the auspices of an amendment to this policy.

Minister's intention

The Minister for the Environment is **not minded** to accept the proposed amendment to Policy H8, and the consequential implications of so doing for Policy SP2: Spatial strategy; and PL5: Countryside, coast and marine environment, which would result in the following changes (in red).

The Minister is, however, **minded to give further consideration to changes** (to Policy H8), (highlighted in green separately) below:

Policy H8 – Housing outside the built-up area

Proposals for new residential development outside the built-up area will not be supported except where:

1. in the case of an extension to an existing dwelling:
 - a. it remains, individually and cumulatively, having regard to the planning history of the site, subservient to the existing dwelling and does not disproportionately

- increase the size of the dwelling in terms of gross floorspace, building footprint or visual impact; ~~and~~
- b. ~~it does not facilitate a significant increase in occupancy.~~
 2. ~~in the case of an extension or it involves~~ the sub-division of part of an existing dwelling that would lead to the creation of ~~a~~ separate household:
 - a. ~~the accommodation is required to provide independent accommodation for someone who requires a high degree of care and/or support for their personal wellbeing and health; and~~
 - b. ~~where the accommodation is capable of re-integration into the main dwelling.~~
 3. the development would represent the optimal viable use of a traditional farm building, where no alternative employment use is appropriate; or, a listed building.
 4. in the case of the conversion of other existing employment buildings, where the redundancy of employment use is proven and the principle of change of use to residential development is acceptable having regard to other policy considerations; where its re-use and adaptation delivers demonstrable environmental benefits through reduced intensity of use and visual improvement to the building and its setting.
 5. in the case of the redevelopment of existing dwellings, involving demolition and replacement, the replacement dwelling:
 - a. is not larger than that being replaced in terms of gross floorspace, building footprint and visual impact, except where any increase can be justified having regard to functional needs or necessary improvements to the standard of accommodation;
 - b. ~~does not facilitate a significant increase in occupancy; and~~
 - c. gives rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.
 6. in the case of redevelopment of existing buildings in employment use, involving demolition and replacement, where redundancy is proven and the principle of change of use to residential development is acceptable having regard to other policy considerations, significant environmental gains can be delivered through improved design and appearance of the land and building(s); the repair and restoration of landscape character; and reduced intensity of occupation and use.

Proposals to extend the boundaries of new or existing residential development into agricultural or open undeveloped land in the green zone or Coastal National Park will not be supported.

Policy SP2 – Spatial strategy

Development will be concentrated within the island's built-up area, as defined on the proposals map.

In particular, development will be focused within the island's primary main urban centre of Town which will accommodate much of the island's development needs. Development will also be focused within the secondary main urban centre of Les Quennevais.

More limited development will take place within the island's local centres, with the scale of development related to local community need and context, as well as support for some parts of the island's economy. In order to support their vitality and sustainable growth, some limited expansion of local centres will take place, where sites are identified in the Island Plan.

In smaller settlements, development will be much more limited.

Outside the defined built-up area, within the countryside, around the coast and in the island's marine environment, development will only be supported where a coast or countryside location is justified, appropriate and necessary in its location; **or where it involves the conversion, extension and/or subdivision of existing buildings**. Development in the Coastal National Park will be very limited to protect its outstanding landscape and seascape character.

The appropriate development of previously developed land and of under-utilised land and buildings will be supported. In particular, development which makes the most efficient use of land, and which optimises the density of development, will be encouraged.

Proposals for land reclamation will be supported where they provide an appropriate response to increase the Town's resilience to the impact of climate change and where their environmental impacts are acceptable or can be appropriately managed and/or mitigated.

Policy PL5 - Countryside, coast and marine environment

Development proposals in the countryside, around the coast and in the marine environment should protect or improve its character and distinctiveness. Where relevant, they should also protect or improve the special landscape and seascape character, and special qualities, of the Coastal National Park and its setting, and be compatible with the purposes of the park.

~~To protect the countryside and coast and to ensure development is concentrated in the most sustainable locations, the development of new homes will not be supported except in very limited circumstances.~~

To protect the countryside and coast and to ensure development is concentrated in the most sustainable locations, the development of new homes will be supported in limited circumstances including the conversion, extension and/or sub-division of existing buildings.

Where a coast or countryside location is justified, and where any impact will be limited, the provision or enhancement of sports, leisure and cultural facilities that supports the health, wellbeing and enjoyment of islanders and visitors will be supported.

Agricultural land will be protected, particularly where its characteristics mean the land is of high-quality and value to the agricultural industry.

Economic development that supports the maintenance and diversification the rural and island economy will be enabled here, where the location of development is justified and appropriate; or where it involves the reuse or redevelopment of already developed land and buildings, where it is appropriate to do so.

The development of sites and infrastructure that help meet the island's strategic needs for minerals, waste management, energy and water will be supported in the countryside, around the coast and in the marine environment, where it is demonstrated to be in the island's strategic interest, and where its impact can be avoided, minimised, mitigated or compensated.

Development proposals located in the marine environment will not be supported except where a marine location is demonstrated to be essential.

The Minister for the Environment is willing to give further consideration to the introduction of further flexibility based on the following changes (in green).

Policy H8 – Housing outside the built-up area

Proposals for new residential development outside the built-up area will not be supported except where:

1. in the case of an extension to an existing dwelling:
 - a. it remains, individually and cumulatively, having regard to the planning history of the site, subservient to the existing dwelling and does not disproportionately increase the size of the dwelling in terms of gross floorspace, building footprint or visual impact; and
 - b. it does not facilitate a significant increase in occupancy.
2. in the case of an extension or **where** it involves the sub-division of part of an existing dwelling that would lead to the creation of **a**-separate households:
 - a. the accommodation is required to provide independent accommodation for someone who requires a high degree of care and/or support for their personal wellbeing and health;
 - b. the accommodation is capable of allowing the creation of additional households, **where they meet minimum internal and external space standards and specifications for homes, within the existing or extended dwelling;**
 - c. **it does not facilitate a significant increase in potential occupancy; and**
 - d. **where the accommodation is capable of re-integration into the main dwelling**
3. the development would represent the optimal viable use of a traditional farm building, where no alternative employment use is appropriate; or, a listed building.
4. in the case of the conversion of other existing employment buildings, where the redundancy of employment use is proven and the principle of change of use to residential development is acceptable having regard to other policy considerations; where its re-use and adaptation delivers demonstrable environmental benefits through reduced intensity of use and visual improvement to the building and its setting.
5. in the case of the redevelopment of existing dwellings, involving demolition and replacement, the replacement dwelling:
 - a. is not larger than that being replaced in terms of gross floorspace, building footprint and visual impact, except where any increase can be justified having regard to functional needs or necessary improvements to the standard of accommodation;
 - b. does not facilitate a significant increase in occupancy; and
 - c. gives rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.
6. in the case of redevelopment of existing buildings in employment use, involving demolition and replacement, where redundancy is proven and the principle of change of use to residential development is acceptable having regard to other policy considerations, significant environmental gains can be delivered through improved

design and appearance of the land and building(s); the repair and restoration of landscape character; and reduced intensity of occupation and use.

Proposals to extend the boundaries of new or existing residential development into agricultural or open undeveloped land in the green zone or Coastal National Park will not be supported.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 41 - Disability inclusion in the historic environment

Relevant policies

Policy HE1: Protecting listed buildings and their settings

Policy HE3: Protection or improvement of conservation areas

Summary of representations received

[P.036/2021](#) (24) Disability inclusion – access to listed buildings

- to ensure that consideration for disability and inclusion are more explicitly incorporated within the justification to Policy HE1, and with regard to proposals to change historic buildings.

Minister's comments

The Minister recognises that everyone should be able to enjoy easy and inclusive access to the historic environment. Removing the barriers to access can allow many more people to use and benefit from the historic environment, and if done sensitively need not compromise the ability of future generations to do the same.

While the needs of disabled people must be a priority, the Minister acknowledges that easier access will benefit almost everyone at some stage in their lives. Whether during pregnancy, as a parent pushing a buggy or an older person who is finding steps a bit harder to manage, thoughtful and effective design for our access needs can be of wider benefit.

Making it easier to use buildings and their surrounding landscapes can also be a legislative requirement and provisions exist in legislation to support this whilst recognising the need to protect the character of the historic environment and to deliver practicable solutions.

The draft plan – both in Policy HE1 for listed buildings and places; and Policy HE3 for conservation areas – already makes explicit provision for works to be undertaken which may affect the historic environment but where there is an overriding public policy objective. The supporting text, at p. 125, final paragraph, makes explicit reference that this might be related to improving access for people with disability.

Minister's recommendation

The Minister for the Environment recommends the planning inspector notes the Minister's comments.

Minister's intention

The Minister for the Environment is **minded to accept** the proposed amendment, and to **propose the following change** (in green) on p.124, after the second paragraph.

Inclusive design

Everyone should be able to enjoy easy and inclusive access to the historic environment. Listed buildings and places may need to be modified to meet existing access needs as well as the changing needs of occupants and users. Removing barriers to access can allow many more

people to use and benefit from the historic environment. If sensitively designed this need not compromise the ability of future generations to enjoy heritage and to access these environments.

Understanding the significance of a building is a vital first step in thinking about how much it can be changed to ensure sensitive interventions. In most cases access can be improved without compromising the special interest of historic buildings and it is rare when nothing can be done to improve or facilitate access. By undertaking a careful process of research, consultation and creative exploration of alternatives, good quality solutions are usually possible. The provision of improved access can be an important part of a sustainable approach to caring for the historic environment without compromising the significance of special places.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 42 - Disability inclusion in active travel

Relevant policies

Policy TT1: Safe and inclusive travel

Proposal 27: Active travel network

Policy TT2: Active travel

Summary of representations received

[P.036/2021](#) (21) Disability inclusion – active travel

- more explicit consideration of disability and inclusion in the pre-amble to active travel;
- explicit reference should be made to the Disability Inclusion Group as a stakeholder in the development of any supplementary planning guidance for the active travel network;
- public realm enhancement/active travel schemes should take account of the specific requirements of people with disabilities.

Minister's comments

The need to give explicit consideration for people with disability is already recognised throughout the plan.

The pre-amble to the travel and transport section includes a section (on p.251) which sets out the Jersey mobility hierarchy – as set out in the Sustainable Transport Policy - at the top of which are children, elderly people, and people with sensory or mobility impairments.

The Minister recognises, however, that it is important that those aspects of the planning system, including all aspects of travel, which touch on the lives of islanders, need to be inclusive and should embrace and engage with those with experience of all forms of disability, and not just those with mobility or sensory impairments. This can be effected by engagement with the Disability Inclusion Group which has been established under the auspices of the Disability Strategy.

The plan already makes clear, as set out in Proposal 27 and 28: Active travel network and Public Realm Works Programme, that all public realm enhancement/active travel schemes will be the subject of stakeholder engagement which would include people with disabilities and their representative agencies.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes the Minister's comments.

Minister's intention

The Minister for the Environment is **minded to accept** the proposed amendment and, as a consequence of the amendment, to support the following changes (in red) but is also minded to propose his own changes (in green).

p.251: preamble to TT1: Safe and inclusive travel

Jersey mobility hierarchy

The Jersey mobility hierarchy, shown in figure TT1, recognises that access to travel and transport choices and priority in the use of road space is different for people with different needs, including children, the elderly and people with impairments and different forms of disability, and for different modes of travel. **Access to travel and transport is also affected by other forms of disability and not just those related to mobility and sensory impairment.** This can create and exacerbate inequality and can undermine the safety and sustainability of the island's transport system.

Adoption and application of the mobility hierarchy in decision-making, to inform infrastructure priorities and to assess development proposals, can encourage safer and more sustainable travel options and reduce the need for private vehicle use. Development proposals will be required to demonstrate how they have sought to accommodate the travel and transport needs of all users of the development – **including those of people with all forms of disability** - either as part of a design statement, or through the specific preparation of a travel plan. It should also set out how it meets the needs of the most vulnerable users as a priority.

Development should not be undertaken where there is a negative impact to those higher up the hierarchy by the introduction of an initiative for a lower-level user or mode.

Policy TT1 – Integrated safe and inclusive travel

The contribution to safe and integrated travel will be a consideration in all development proposals. Proposals will be supported where:

1. the development is safe, inclusive and accessible to all users and modes of transport, having regard to:
 - a. its integration with and connection to the existing transport network;
 - b. the requirements of the emergency services;
 - c. the need to ensure that all stages of a journey to and from the development can be undertaken safely, for all users, by ensuring the development complies with the road safety audit policy; and
 - d. the amount and type of traffic generation and the capacity of the local network to accommodate it.
2. it can be demonstrated that consideration has been given to, and provision made for:
 - a. the travel needs of children, elderly people and people with sensory or mobility impairments **and other forms of disability**, as a priority; and
 - b. the promotion of walking and cycling in the design and use of the proposed development.

Development which compromises the physical integrity and / or proper functioning of the island highway network, comprising local routes (minor roads); secondary routes (B and C roads); and the primary route network (A and some B roads) will not be supported.

Development which has the potential to generate significant amounts of movement must be supported by a transport assessment and a travel plan, as appropriate.

p.253: preamble to TT2: Active travel

Active travel

This Island Plan encourages active travel, to support more walking and cycling and similar active forms of travel and requires development to make provision for it through design and delivery. This will further support the vision of the STP active travel plan, which will set out how we will make active walking and cycling journeys safer and easier for islanders of all abilities, **including people with disabilities**.

Secure and conveniently located cycle parking facilities should be provided in all new developments that have the potential to attract cyclists, to help encourage use of bikes. Where appropriate, developments will also need to make provision for changing rooms, showers, drying facilities and lockers, together with electric charging infrastructure. Standards for the provision of cycle parking and associated infrastructure will be set out in supplementary planning guidance, to be issued by the Minister for the Environment.

In developments where the required cycle parking facilities cannot be accommodated (e.g. in certain compact town centre sites), financial contributions will be expected towards public provision of alternative facilities elsewhere. Commuted payments from various developments may be pooled to provide public cycle parking within a locality.

The STP active travel plan will identify opportunities to create an island-wide active travel network (ATN) and identify a programme of active travel infrastructure initiatives to support and enable safe and sustainable travel choices.

The active travel network will provide key routes that put non-motorised users first. It will identify key cycle corridors and explore improvements in modal interface at the harbour and the airport. It will provide safe routes linking homes to local trip attractors including education, public transport hubs, retail, leisure facilities, workplaces and green spaces, whilst at the same time creating better connectivity within and around St Helier.

The establishment of an active travel network provides significant opportunity for investment in placemaking to stimulate activity as well as encouraging a shift in travel behaviour towards sustainable modes. It will also enable the creation of safe and supportive routes to schools that will encourage and embed the ease and pleasantness of active travel into everyday journeys. As the active travel plan, and proposals to develop an active travel network, emerges over the plan period, the Minister for the Environment will develop and issue supplementary planning guidance to help determine where development proposals might be required to contribute directly to the development of the network, or to enter into an agreement to make an appropriate financial contribution to its development.

Proposal – Active travel network

The Minister for the Environment will develop and publish supplementary planning guidance (SPG) for the active travel network (ATN) to determine where development proposals might be required to contribute directly or indirectly to the development of the network.

As part of the development of any supplementary planning guidance for the active travel network, the Minister for the Environment will consult the Minister for Infrastructure; the relevant parish(es); stakeholders, **including the Disability Inclusion Group**; and members of the public.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 43 - Coastal National Park

Relevant policies

Policy PL5 – Countryside, coast and the marine environment

Policy NE3 – Landscape and seascape character

Summary of representations received

- Amd [P.036/2021](#) (30) Coastal National Park
- The proposed extension of the Coastal National Park should be limited to that proposed in the intertidal zone and shallow water around the offshore reefs.
- The interior agricultural land embraced by the proposed extension is not considered to be of highly sensitive or valuable landscape quality; and the need to protect it further has not been justified
- The proposed extension would affect a large number of properties, including large houses and gardens
- It is not clear what the implications of the proposed extension of the CNP are for the management of land and activities within it. Landowners and farmers are concerned about the implications for land management practices and public access
- The process for defining the new boundaries of the CNP is not sufficiently open and inclusive
- The CNP should be established in law to enable
 - its purpose to be clearly defined
 - comprehensive consideration of planning and land management
 - international recognition
 - community engagement as part of the development of the management plan for the CNP

Minister's comments

Quality of landscape and seascape character

Jersey's Coastal National Park was originally established in 2011, with its extent informed by the Countryside Character Appraisal¹, embracing all those parts of the island of highly sensitive and most valuable landscape quality.

The draft bridging Island Plan has revised the spatial extent of the park drawing on the more recent Integrated Landscape and Seascape Character Assessment² and the Coastal National Park Boundary Review³.

This has extended the park boundary to more comprehensively embrace those parts of the island that are of outstanding landscape quality and, most significantly, embrace the island's unique intertidal zones and the shallow waters around its offshore reefs, which are of outstanding seascape character.

¹ [Countryside Character Appraisal \(1999\)](#)

² [Jersey Integrated Landscape and Seascape Character Assessment \(2020\)](#)

³ [Jersey Coastal National Park Boundary Review \(2021\)](#)

The Minister does not accept the assertion that those parts of the island comprising interior agricultural land and proposed to be embraced by the proposed extension of the CNP are not of outstanding landscape character. The assessment of the landscape character of these areas, set out in the ILSCA, clearly identifies that these areas of the island's interior agricultural plateau are of significant landscape value: the western coast and headlands farmland; the north coast; and north east farmland character areas (identified as E1-E3 respectively), are variously described as representing Jersey's rural heartland and containing some the island's oldest field networks; providing expansive views (across countryside and to the sea); and maintaining a traditional rural character. The fact that these areas are working landscapes – a role highlighted by the representations from the island's farming community – is no reason why the landscape character generated by such management and use should not be recognised and protected. It is relevant to note that the existing CNP already embraces agricultural land in St Ouen's Bay.

It is acknowledged that, by extending the CNP, it will affect a greater number of properties. This is acknowledged and accepted, but the Minister considers it important to better protect the landscape and seascape character and context of the areas in which these properties sit, irrespective as to whether they already enjoy other forms of designation (such as listed buildings, where a greater level of regulation exists to protect their architectural and historic interest). The CNP already embraces a large number of residential properties, including large listed manor houses and their gardens (e.g. Noirmont Manor).

Purposes of the CNP in the Island Plan

The draft Island plan makes it explicit that the primary purpose of the proposed extension of the CNP is to afford the highest level of protection from development to the landscape and seascape character of this area. This is based on the outstanding value of that character – as assessed by the ILSCA – and the fact that it is sensitive to the impact of development and has a limited capacity to accommodate new development without harm to that character.

This objective for the designation is explicitly stated in the draft plan and is the principal focus of the planning policy regime set out in the plan, principally represented by Policy NE3: Landscape and seascape character. This clearly states that the highest level of protection will be given to the protection of landscape and seascape character in the CNP.

The Minister is strongly of the view that there is a need to ensure that Jersey's special landscapes enjoy the highest levels of protection. Whilst there have been some prominent development schemes that have drawn much public interest, the continued need for development in the island means that there is constant pressure on the countryside, manifest through a gradual accretion of development and a suburbanisation of the landscape and loss of inherent character and the qualities that contribute to that character which justifies the need for higher levels of protection for those areas of outstanding value in the countryside not currently embraced by the CNP. There have been some particularly insensitive schemes around the island's coastline and this plan clearly sets out the need to ensure that regard is had to the impact of development on both landscape and seascape character as a material consideration. The Minister is of the view that there is also a need to ensure that development which might be outside of areas of sensitive landscape and seascape value, but which might have an affect on it, are also captured by the policy, by virtue of

the need to consider the impact of development on the setting of the CNP as well as the impact upon any coastal units, as defined by the ILSCA.

There is clear concern that the proposed expansion of the CNP in the draft plan will have implications for the management of land and for public access to land within the area designated as the CNP. This view is expressed by the island's agricultural industry and some landowners.

The draft Island Plan is clear, however, that whilst it seeks to ensure that development that is within the CNP is compatible with the purposes of the park, it does not, represent or confer any regulatory regime or proposals related to either land management (where it does not involve development); or the enabling of public access. The draft plan is clear that it can only affect decisions for activities that involve the development of land and buildings. Other aspects associated with the national park, including land management, are external to the planning process and are not regulated by the Island Plan where they do not require planning permission.

When the CNP was first designated, as a planning policy zone, in the 2011 Island Plan, it was supported by a proposal to develop and adopt a Coastal National Park Management Plan⁴, in co-operation with other public and private agencies, interest groups, landowners and farmers. It was, thus, explicit at the outset, that the progression of the purposes of the park were outwith and entirely separate from the planning policy regime provided by the Island Plan.

Whilst the Minister acknowledges and understands the legitimate concerns that have been expressed, about the implications of CNP designation for land management and access, he remains of the view they are not relevant or material to consideration of the planning policy framework set out in the draft Island Plan.

Implications of designation

Concern has been expressed that the implications of an expanded CNP are not clear for owners of land and property and will adversely affect their enjoyment of it. Issues wrongly associated with land management and public access have been addressed above: the planning implications are addressed below.

The Minister does not accept these assertions in so far as they relate to planning matters and the regulation of development activity. All development proposals outside the built-up area, or where they affect the setting of the CNP or a coastal unit, will be subject to the policy provisions of Policy NE3: Landscape and seascape character. This will require applicants to demonstrate that their proposal does not harm the landscape or seascape character of the area. This provision applies across the island's countryside and surrounding waters.

There is a higher level of protection given by Policy NE3 to the landscape and seascape character of the CNP because of its greater sensitivity and limited capacity for new development. Development proposals in the CNP will also need to ensure that they are compatible with the purposes of the CNP.

⁴ [See Proposal 5: Coastal National Park Management Plan](#)

This particular consideration is supported by the policy regime for different forms of development outside the built-up area that is clearly set out by other parts of the plan e.g. Policy H8: Housing outside the built-up area; Policy ERE5: New or extended agricultural buildings.

The draft Island Plan proposes the review of permitted development rights in the CNP and concern has been expressed that this will interfere with the property rights of individuals living there and will be unduly burdensome to administer.

Because of the special quality of the landscape in the Coastal National Park, the Minister wants to undertake further work to explore whether changes should be made to the rules which govern whether planning permission is required for minor works to buildings and places in the park. This will require change to secondary legislation⁵ and will, as a necessity, involve consultation with people who live and work in the Coastal National Park, as well as those who visit and use it, or have an interest in its protection. The regulatory impact of any such change would also need to be part of this consideration. It is relevant to note that the proposals to review permitted development rights in the CNP is already a proposal in the current Island Plan.

Consultation and engagement

Several commentators have raised concerns that the process of defining new boundaries for the CNP has not enabled sufficient engagement and consultation with those affected by it. The Minister strongly refutes these assertions.

A workshop was held, run and managed by the contractor Fiona Fyfe Associates, as an integral part of the work undertaken to review the national park boundaries. This was stakeholder workshop and representative organisations were invited to participate: a list of invites is attached at appendix 1. The proposed boundaries of the Coastal National Park are those that are presented and published by the Minister for the Environment in the draft Island Plan.

The approval of an Island Plan follows the most rigorous, open and democratic process of all corporate policy tools developed by the Government of Jersey, as prescribed by law. It includes public consultation; independent professional scrutiny; and consideration by the island's elected assembly.

On this basis, the Minister is entirely satisfied that if and when the new plan and its constituent parts – including consideration of the proposed Coastal National Park boundary – are approved it will have been through an exacting and open process in which anyone with any interest in the matter will have had an opportunity to participate, both directly and indirectly, and will have had opportunity to have their views heard and considered.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector explores the validity of the representations made relative to:

- the basis for the spatial extent of the proposed Coastal National Park having regard to its landscape and seascape quality
- the purposes of the proposed policy to protect and improve the landscape and seascape character of this area

⁵ [Planning and Building \(General Development\) \(Jersey\) Order 2011](#)

- the implications of proposed extension of the CNP relative to the expressed purposes of the park, and whether these objectives, might be better delivered through other mechanisms.

Relative to third bullet, the Minister would also request the inspector to consider an alternative option outlined below.

Minister's intention

The Minister for the Environment is **not currently minded** to change the proposed designation of the Coastal National Park, as set out in the draft Island Plan.

It is, however, the Minister's primary objective to ensure that the island's most outstanding landscapes and seascapes enjoy the highest levels of protection from development, to ensure that their landscape and seascape character is protected or improved, and the Minister would, having regard to the issues raised above, **invite the planning inspector to consider the following option** to achieve this objective, where changes would be made to spatial definitions, policy and proposals in the draft plan (in green) involving:

- retention of the CNP as defined in the current Island Plan, and associated proposed policy regime for the CNP;
- designation of an outstanding landscape and seascape character area (OLASCA) (to replace the area that would be embraced by the existing and proposed extension of the CNP) in the draft plan (involving consequential changes to other policies in the plan to replace CNP with OLASCA);
- a new proposal in the draft plan to establish a legal basis for Jersey's CNP; and to review its boundaries and management (to be undertaken outside of and separate to the Island Plan) in accord with the proposed States Member amendment.

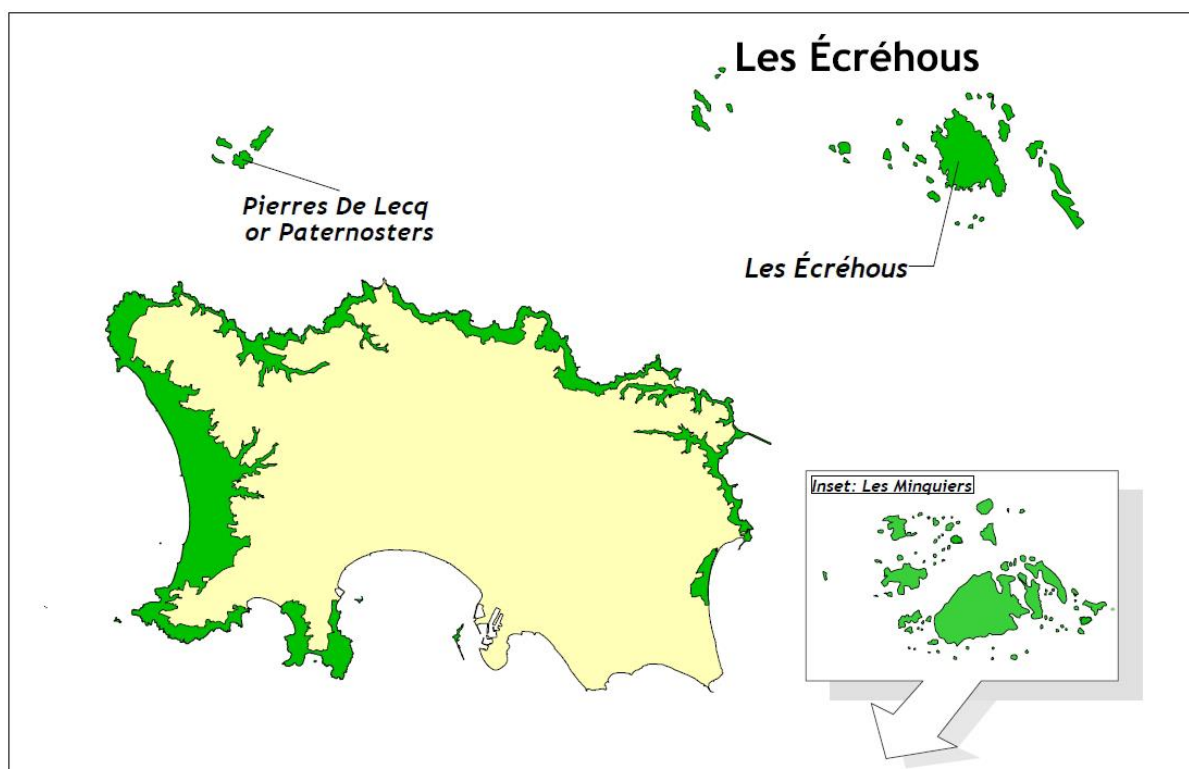


Figure: Coastal National Park

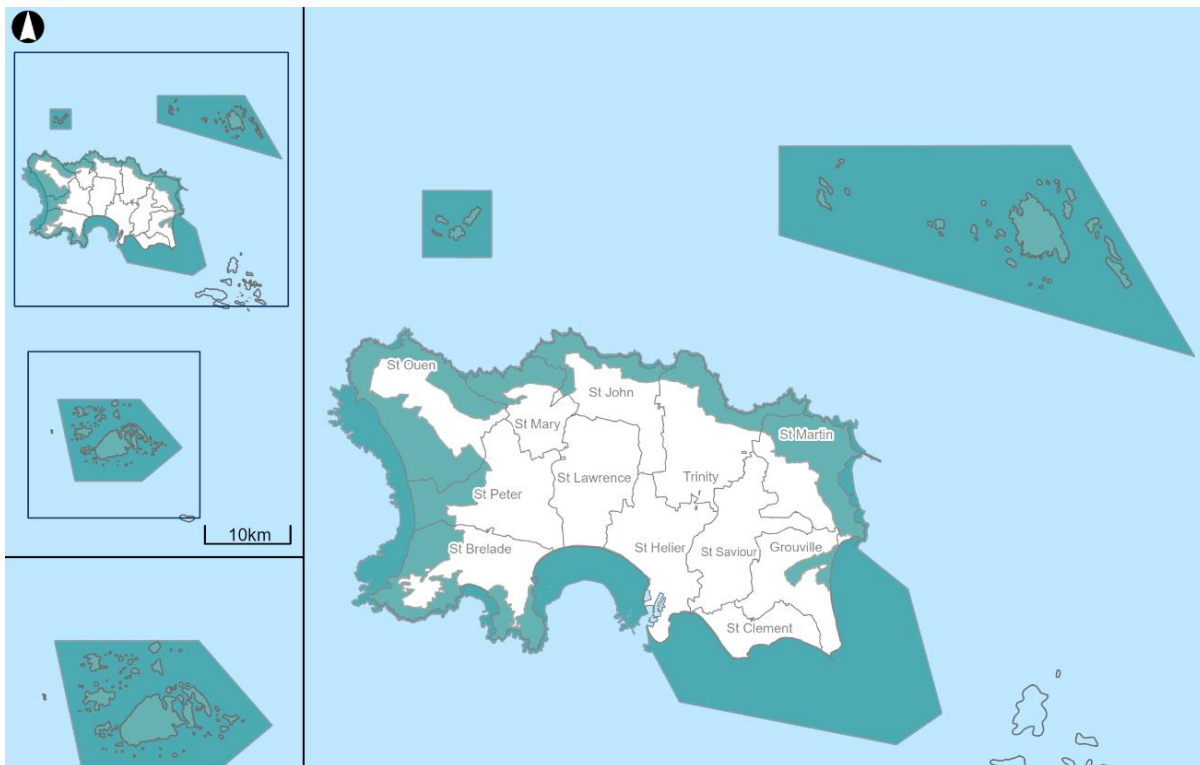


Figure: outstanding landscape and seascape character area (OLASCA)

Main policy amendments: other consequential amendments would need to be made accordingly, relative to areas defined above.

Policy PL5 - Countryside, coast and marine environment

Development proposals in the countryside, around the coast and in the marine environment should protect or improve its character and distinctiveness. Where relevant, they should also protect or improve the special landscape and seascape character of **the outstanding landscape and seascape character area**, and **the** special qualities of the Coastal National Park and its setting, and be compatible with the purposes of the park...

Proposal – Change permitted development rights in the **outstanding landscape and seascape character area Coastal National Park**

The Minister for the Environment will explore changes to permitted development rights in the **outstanding landscape and seascape character area Coastal National Park** in order to better protect its fragile and sensitive landscape character. This will include consultation with stakeholders on any proposed changes to the Planning and Building (General Development) Order.

Policy NE3 – Landscape and seascape character

Development must protect or improve landscape and seascape character.

The highest level of protection will be given to the **outstanding landscape and seascape character area**, and **its** setting.

~~Coastal National Park, and its setting, and~~ Development within **the Coastal National Park, and its setting**, it should protect or improve its special qualities and be compatible with the purposes of the park including:

- a. the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the park, and
- b. the public understanding and enjoyment of its special qualities^{Error! Bookmark not defined.}

Proposal - Coastal National Park legislation

The Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and, further to consultation with the Council of Ministers, will bring forward for approval by the States Assembly, proposals for the establishment of the Coastal National Park in law with appropriate provisions and mechanisms for:

- a. the management and regulation of land use and activities within the Park;
- b. the promotion of the purposes of the Park;
- c. public and community consultation to inform such management, regulation and promotion functions;
- d. reviews of the spatial extent of the Park and determining changes thereto in consultation with relevant stakeholders including owners, occupiers and users of land affected by such reviews; and
- e. the funding of the activities described above

Proposal - Coastal National Park review

Following the establishment of a legal basis for the Coastal National Park, the Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and, further to consultation with relevant stakeholders including owners and occupiers of land within the Coastal National Park, will bring forward for approval by the States Assembly proposals for the clearer definition and understanding of the boundaries of the Coastal National Park ~~to exclude land where it falls within the Interior Agricultural Plateau as defined in the Jersey Integrated Landscape and Seascape Assessment Report, 2020.~~

Appendix 1

Coastal National Park Review

Stakeholder workshop

Thursday 24 September 2020

St Paul's Centre, St Helier

List of invited stakeholders

1. Société Jersiaise
2. Jersey Farmer's Union
3. Royal Jersey Agricultural and Horticultural Society
4. Jersey Heritage
5. Save Jersey's Heritage
6. Channel Island Occupation Society
7. Save Our Shoreline
8. Durrell
9. Jersey Bat Group
10. Jersey Trees for Life
11. Biodiversity Partnership
12. Jersey in Transition
13. Jersey Action Group
14. Jersey Aquaculture Association
15. Jersey Marine Conservation
16. Blue Marine
17. Ramsar Management Authority
18. Ports of Jersey
19. Les Ecréhous Residents Association
20. Les Minquiers' Residents Association
21. St Brelade's Bay Association
22. Save Jersey's Heritage
23. Visit Jersey
24. Jersey Hospitality Association
25. Jersey Chamber of Commerce
26. Jersey Construction Council
27. Women's Institute
28. Jersey Water
29. Association of Jersey Architects
30. MS Planning
31. KE Planning
32. Expand Planning

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 44 - Policy GD5 - Demolition

Relevant policies

GD5 – Demolition and replacement of buildings

Proposal – Design statements and statements of sustainability'

Summary of representations received

- Concerns about the implementation challenges experienced with the equivalent policy in the 2011 Island Plan.
- The requirement to provide the information described in the policy is both onerous and costly to applicants and will force the applicant to consider more-detailed design issues at an earlier stage.
- Accurate peer-reviewed data as to the embodied carbon of building materials and components is simply not available.
- Ugly, poorly built and designed post-war housing (particularly small bungalows from the 1960-80s) within the countryside areas, often on large plots - these houses are a visual 'blight' upon the countryside and should be allowed to be replaced with much more attractive, better constructed and more energy-efficiency houses for those with growing families who can afford a better-quality home, thereby releasing their existing houses for those one step further down the housing ladder.
- This is a laudable aim, but it must be considered in relation to the very particular challenges that Jersey faces - i.e: a serious house shortage on a very limited landmass leading to unaffordable housing for a large proportion of residents.
- We should concentrate our efforts to reduce carbon emissions in other ways rather than contributing to the social problems and inequities of the island by restricting a perfectly reasonable method of supplying good quality new homes to the market through what appears to be a virtual moratorium on replacement buildings.
- Uncertainty as to how the data supplied in the application to evidence the policy requirement will be checked by planning officers who do not have the skills to make the assessment.
- The economic viability of demolition should be defined
- Request for a template to be produced to support the provision of information. Is specialist report required or will planning produce a template which can be submitted? This may be easier and less costly to produce if we are trying to reduce costs.
- Careful consideration must be given to buildings that service the visitor economy that are no longer fit for purpose.

Minister's detailed comments

Background

A demolition and replacement of buildings policy was first introduced in the 2011 Island Plan in policy GD2 – Demolition and replacement of buildings¹. This policy sought to promote a culture of re-use of buildings rather than demolition and rebuilding, on the grounds that this is more sustainable. Through the implementation of the 2011 Island Plan, the objectives of this policy were

¹ [2011 Island Plan Policy GD2 -Demolition and replacement of buildings](#)

found to be difficult to achieve, largely down to its inflexible wording and reliance on supplementary guidance which was also found to be difficult to develop within the parameters established by the policy. Because of this, in the interim review of the 2011 Island Plan, the Minister for the Environment proposed Policy GD2's removal and was satisfied that there were other policies in the plan that sought to maintain sustainable demolition practices (waste minimisation policies, in particular) and noted that measuring sustainability factors is a rapidly developing field, which could support future considerations for policy.²

Policy GD2 was subsequently removed from the 2011 Island Plan in the 2014 revision, but a similar - and somewhat tighter - consideration remains in another policy (GD1 General development considerations (1.a)). This policy states that:

"Development proposals will not be permitted unless the following criteria are met such that the proposed development;

1. *contributes towards a more sustainable form and pattern of development in the Island in accord with the Island Plan strategic Policy SP 1 'Spatial strategy'; Policy SP 2 'Efficient use of resources'; and Policy SP 3 'Sequential approach to development'; and in particular it;*
 - a. *will not replace a building that is capable of being repaired or refurbished;....."*

This wording has meant that despite the removal of Policy GD2, the demolition and replacement of buildings is still considered under the Revised 2011 Island Plan in both an inflexible and difficult to implement way, with an inherent sustainability tension between the use of building fabric, embodied carbon and waste or, the sustainable use of land.

Approach to demolition and replacement of buildings in the draft Bridging Island Plan

The Minister for the Environment is aware of the challenges surrounding the consideration of demolition and replacement of buildings in the 2011 Island Plan. However, these challenges do not mean that the principle of seeking the retention of a building rather than demolition is without a sound sustainability basis. The Minister wishes to continue to promote a culture of re-use of buildings rather than demolition and rebuilding - as was the intent of earlier policies - but agrees that the historic framing of policies to deal with this have not been well designed and this needs to be addressed.

As a principle woven throughout the draft Bridging Island Plan, it is necessary that development in Jersey takes appropriate and meaningful steps towards achieving the island's objectives to become carbon neutral, and in that context, steps to ensure that the island's resources are used sustainably. This is echoed in the justification to policy GD5 in the draft Bridging Island Plan.

The Minister has specifically designed the new Policy GD5 to account for the challenges experienced in the 2011 Island Plan. The proposed policy is no longer a moratorium on the demolition of a building that is capable of repair and refurbishment. It allows for the consideration of other important sustainability factors and for the decision maker to take a balanced view which accounts for economic viability, the need to use land sustainably with increased density in appropriate locations, carbon impact and building performance, and waste generation. Guidance in this respect is provided in the preamble to the policy.

² [Briefing paper: 2011 Island Plan: interim review -Demolition and replacement of buildings \(July 2013\)](#)

The Minister notes the concerns raised in the consultation, which are principally focused on the need to produce evidence in support of demolition (as-is set out in the pre-ambles to the policy) and the need to have sufficient capability to regenerate poor quality development and provide more homes.

With regard to carbon impact, the Minister notes and agrees that access to accurate and detailed carbon data is limited at this point in time, but also notes that it is an area which is fast developing both in Jersey and internationally. The Carbon Neutral Strategy seeks to address carbon emissions in Jersey and the development of the associated Carbon Neutral Roadmap will include means to better understand our emissions. The Minister wishes to stress that carbon assessments to prove the appropriateness of demolition are not required to be entirely scientific, because it is agreed that this is not presently possible. The preamble to the policy explains that information is required 'where appropriate' and that in such cases, the developer will be required to 'consider' the carbon impact and provide an 'estimation' in relation to it – therefore, it does not ask for this to be absolutely proven, nor does it ask anything more than an estimate. The policy itself only asks for 'regard' to be had to the overall carbon impact of the development. The Minister is therefore content that there is sufficient flexibility in this policy to make it workable.

To reach the objective of becoming carbon neutral and achieve the global benefits of doing so, it is essential that everyone, not just the development industry, becomes more aware of the impact that our daily life and business activities have on carbon emissions and climate change. This must start with a cultural shift towards greater awareness which will in-turn inform better, more sustainable, choices that will drive down the impact of our activities. The Minister maintains that this is about promoting a culture of re-use of buildings rather than demolition and rebuilding, and whilst this cultural shift might be challenging, it must happen. The Minister also stresses that the carbon impact of the development is only one of a number of considerations in this policy, and therefore the outcome of a carbon assessment, even if it was negative, would be considered in light of the other potential sustainability merits.

The Minister notes that additional guidance to understand the proportionality of evidence, and potentially even the development of a pro-forma to be submitted with applications (as has been suggested in representations) would be helpful to developers. The preamble to the policy sets out that the information should be provided as part of a sustainability statement – as referenced in 'Proposal – Design statements and statements of sustainability', the Minister intends to further consider how these requirements can be streamlined into a simple reporting structure, as far as possible.

With regard to representations received expressing concern that this policy will prevent the appropriate regeneration of poor quality buildings and efficient use of land by preventing higher density development, the Minister wishes to confirm that this is not the intent of the policy, and notes that the comments are reflective of the effect experienced through the 2011 Island Plan, and therefore, a matter that the Minister has expressly sought to resolve in the re-design of the policy in the draft Bridging Island Plan.

The policy is not considered to present a barrier to the regeneration of poor-quality buildings, but it does represent a means to require developers to think differently about *how* they regenerate buildings. The effect of the policy should be that refurbishment/remodelling and extension

becomes a first consideration, before partial and/or full demolition. If this approach cannot realise the potential of a site – which must be appropriate to its location – then demolition can be considered.

With regard to representations stating that Policy GD5 will prevent the development of small houses on large plots in the countryside that could achieve higher densities and additional homes, the Minister wishes to highlight that it is not an objective of the draft plan to develop more, higher density development in the countryside and that this would be a contradiction to the spatial strategy and essence of the entire 'places' chapter of the plan. On this basis, the Minister confirms that the policy does not seek to promote this type of development.

The Minister does however note that the issue of small houses on large plots in built-up areas under the auspices of the 2011 Island Plan did have an inherent sustainability tension and hence why Policy GD5 now clearly states that the sustainable use of land, having regard to the density of existing and proposed development, will be considered as part of the test of the policy. The introduction of the 'Places' chapter into the plan will provide useful guidance as to the amount of development that should be reasonably expected in the built-up area, relative the characteristics of the place where the development is sought.

Minister's recommendation

The Minister recommends that the inspector considers the efficacy and deliverability of Policy GD5 to deliver a sustainable approach to the demolition and replacement of buildings, and the representations made in relation to this.

Minister's intention

The Minister's intention is to **maintain** Policy GD5 as drafted.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 45 - Policy NE2: Street trees and water features

Relevant policies

Policy NE2 – Green infrastructure and networks

Summary of representations received

- Amd [P.036/2021](#) (13) Street trees and waterfeatures
- To ensure that new trees are planted in the ground, if at all possible, with the re-routing of any underground services and other measures that may be necessary to achieve this being undertaken as part of the development;
- To ensure that, where appropriate, lost watercourses are restored and new water features provided in the public realm, especially in urban areas; and”.

Minister's comments

The Minister wholeheartedly supports the objectives behind this amendment and considers that it would help to achieve the objectives of placemaking, promoting biodiversity and mitigating the impacts of climate change.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes this proposed amendment.

Minister's intention

The Minister for the Environment is **minded to support** the proposed amendment.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 46 - Coastal National Park: change to Grouville boundary

Relevant policies

Policy NE3 – Landscape and seascape character

Summary of representation received

- Amd [P.036/2021](#) (52) Coastal National Park
- To exclude part of Field G252A from the proposed extension of the Coastal National Park to ensure that the creation of a petanque court is not prevented, or indeed restricted, by the potential limitations imposed on land within the Coastal National Park.

Minister's comments

Whilst the proposed change to the boundary of the Coastal National Park is limited, the premise of the representation is flawed.

First, the assessment of value of an asset (such as an historic building or a landscape) should be separate to an assessment of whether change should be permitted to happen which might affect that asset. These are separate processes and the fact that something has value should not be denied simply to allow change to happen.

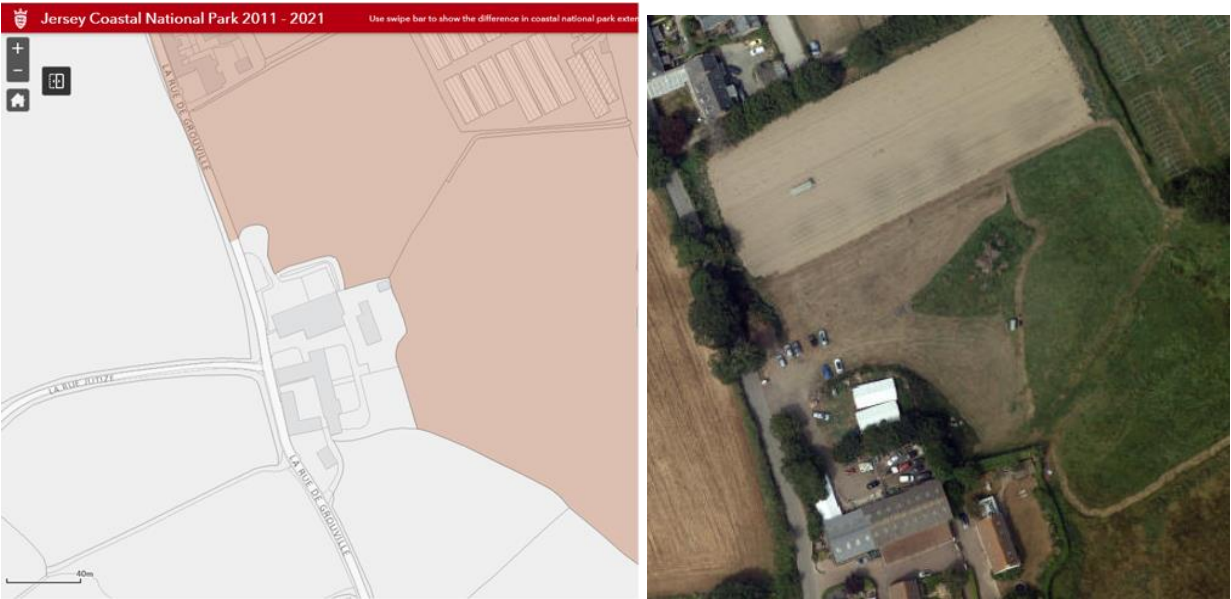
Second, whether a proposal to develop a petanque pitch falls within the Coastal National Park or adjacent to it (in the green zone), there will still be a requirement, under Policy NE3: Landscape and seascape character, to demonstrate that the proposal does not harm the landscape character of the area.

Minister's recommendation

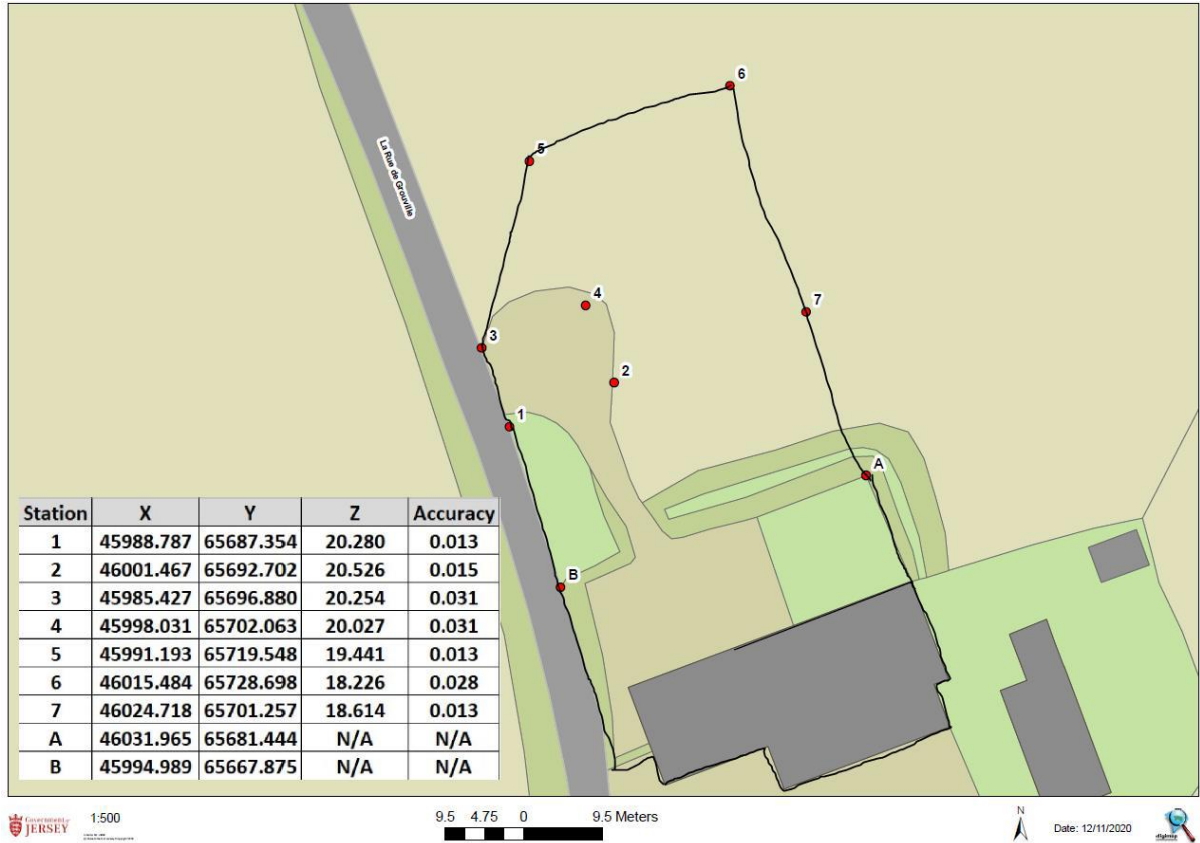
The Minister for the Environment recommends that the planning inspector explores the validity of this proposed amendment.

Minister's intention

The Minister for the Environment is **not minded** to change the proposed designation of the Coastal National Park, as set out in the draft Island Plan.



Coastal National Park



Area proposed to be excluded

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 47 - Policy HE2 - Double-glazing in heritage buildings

Relevant policies

Policy HE2: Protection of historic windows and doors

Summary of representations received

[P.036/2021](#) (14) Double glazing

- Jersey has committed to achieving carbon neutrality by 2030 and any steps that can be taken to assist in achieving this should be supported
- given the number of listed buildings in Jersey, improving the energy efficiency of listed buildings could have a significant impact on Jersey's environmental targets
- by reducing heat loss and subsequently reducing power usage, double-glazing provides improved insulation in a property
- methods of improving the energy efficiency of existing windows, rather than replace them with double-glazing, prove ineffectual
- the installation of double-glazing has no discernible visual impact where:
 - it is correctly fitted
 - it on a 'like-for-like' basis
- 'public' preference is for the most energy-efficient windows and doors

Minister's comments

The Minister will support the amendment to allow the use of double-glazing in historic buildings for new, replacement windows/ doors and replacement of existing glazing in historic windows. This is only on the basis that a careful balance is achieved between the authentic and unique character of historic buildings and reductions in our carbon emissions.

The policies set out in the draft Island Plan already apply this balance. The draft Island Plan acknowledges that the island has declared a climate emergency and that there is a need to take action to address the challenges of climate. The environmental sustainability of the historic environment should not, however, just focus on the operational energy use of historic buildings but should consider the embodied energy of existing structures and their component parts and consider the whole life carbon cost of their fabric. In this respect, the emphasis must be on repairing and sympathetically upgrading listed buildings, rather than simple replacement in whole or in part, taking account of the embodied energy within the whole building.

The draft policy HE2 deals with one element, proportionately the smallest element of most historic buildings, but the one seen to cause the most heat loss. HE2: Protection of historic windows and doors, sets out a presumption in favour of repair and improvement, and already clearly sets out the circumstances where the use of double-glazing may be acceptable when dealing with the need to repair or replace historic windows and doors. This ensures the carbon embodied in older windows and doors is retained within the fabric of the building whilst other measures can be specified to ensure improved energy efficiency. Complete replacement of a historic window or door with double glazing requires the use of new products including imported timber (accepting this can be from sustainable sources), inert gases and other products from the petroleum industries. It also

releases embodied carbon. This approach does not balance the carbon equation but does meet the need to reduce heating loads and costs as one part of achieving carbon neutrality.

Small-scale changes to improve the thermal efficiency of historic windows and doors do work. Work such as draught-proofing, curtains, shutters and secondary glazing can all provide improved thermal performance, and importantly allow the retention and repair of historic windows and doors. This is evidenced by research (see: [Research into the Thermal Performance of Traditional windows and Timbersash windows](#)).

The assumption that enabling the use of more double-glazing in historic buildings will make a significant contribution to the island's carbon targets is misplaced. There are over 45,000 households in the island and, of the 5,000 listed buildings and places, just over 2,000 of them are houses. The schedule of listed buildings in Jersey also includes archaeological sites, street furniture, churches, forts, towers and other defensive structures. Whilst the historic environment can contribute to carbon reduction targets, there is far more scope to secure a reduction in carbon emissions from the development of new homes (at over 4,000 in this plan); and even more scope within the existing housing stock in the island, the vast majority of which has no heritage value.

Original historic windows in listed buildings are valuable and rare. Of those 2,000 listed buildings that are homes, many will have had their original windows and doors unsympathetically changed, often as a result of the introduction of double-glazing and associated PVC-u frames and doors. It was as a result of the damage caused to Jersey's historic buildings by the introduction of double-glazing that policy to better regulate change was introduced by the Island Development Committee in response to public concern.

Historic windows and doors are essential elements of the character and appearance of our unique island heritage. Unsympathetic change to them is visually evident which is why it is important that the introduction of double-glazing into historic windows and doors is made within the existing window or door joinery and does not lead to the loss of historic glass. In all cases, replacement windows and doors should replicate historic detailing and forms; be made of timber or in later buildings, metal, as appropriate. The detailing should frame new glazing in structural glazing bars with a putty-like external finish. Vertical sliding sashes should be balanced by weights in a box frame (not spiral-balanced or employ the use of other mechanical means of controlling window opening). Adding double glazing to replacement windows is allowed by the policy where the joinery details can accommodate this. The proposed amendment would not change the need to specify appropriate windows with the correct historic detailing. It is important that the facilitation of double-glazing does not destroy or erode the essential character of historic windows and doors, and heritage value of buildings overall.

Changing the fabric of a historic building does not just alter its aesthetic appearance but also has the potential to change the balance between heat, air and moisture movement as traditionally constructed buildings do not perform in the same way as modern buildings. Changes to increase the energy efficiency of building fabric by installing modern impervious insulation, draught proofing, secondary glazing, fitting chimney balloons or blocking up chimneys and flues does increase the thermal efficiency of a building through air tightness. These measures unfortunately also reduce passive ventilation which is essential in older buildings. Loss of passive ventilation can increase fabric damaging moisture accumulation and at worst, cause ill health of householders and

building users due to poor indoor air quality. Increased air tightness is linked to elevated levels of CO₂ and other pollutants. To counter this a whole life building approach is recommended to deal with these unintended consequences. Modern replacement windows may require trickle ventilation. If such additional infiltration ventilation is required, in association with the introduction of double glazing, they should be designed as part of the window system, without plastic or metal outer hoods; and the insertion of extractor fans should be avoided.

The Minister will review and issue supplementary planning guidance to help support interpretation and use of the proposed revised policy.

Minister's recommendation

The Minister for the Environment recommends the planning inspector notes the Minister's comments.

Minister's intention

The Minister for the Environment is **minded to accept** the proposed amendment, which would result in the following change **(in red)** **with further amendment** **(shown in green)**, offered to provide clarification.

The basis for the further amendment is set out below:

First para.

- the replacement of glass within a historic window is not a repair and is more appropriately described as a proposal (and in most cases the historic frames and weight systems will also need modification to accommodate the wider, heavier glazing units, requiring consent).
- the replacement of glass 'of historic significance' with 'modern glass in historic windows' provides a more concise definition.

Fifth para.

- adding a new test of materiality to judge the impact on listed buildings is not needed. The existing tests of protecting and improving are sufficient to judge the impacts on special interest.
- doors have been added as glazing is commonly found in historic over lights and partially glazed historic doors. The former is generally historic glass, many with original sign writing with the original house name or number.
- 'having due regard to' has been substituted with a positive support to meet Jersey's commitment to energy efficiency.

Policy HE2 – Protection of historic windows and doors

Historic windows and doors in listed buildings or buildings in a conservation area, which are of significance to the special interest or character of a building, should be repaired using materials and detailing to match the existing. ~~In the case of repair involving the~~ **Proposals for the replacement of modern glazing in historic windows with double glazing will be supported, where it can be accommodated within the existing window or door joinery frames, (except where the glass to be replaced is of historic significance.)**

Where it can be demonstrated that repair of historic windows and doors is not feasible, proposals for their replacement will be supported where the replacements replicate the historic window and door in all respects including: the method of opening, materials, proportions, dimensions, visual weight and detailed design.

Where it can be demonstrated that existing windows and doors have little or no significance to the special interest of a listed building or the character of a building in a conservation area, proposals for their replacement will be supported where the replacements replicate the historic forms in all respects, including: the method of opening, materials, proportions, dimensions, visual weight and detailed design.

The replacement of more modern windows and doors in more recent extensions to listed buildings or buildings in a conservation area should have regard to the special interest or historic character of the property. Any replacement windows and doors should protect and, where possible, improve the special interest or character of the building.

Proposals to improve energy efficiency, where they affect historic windows and doors, are encouraged and will be supported where it can be demonstrated that they do not materially harm the special interest of a listed building or the character of a building in a conservation area. The use of double-glazing in replacement windows and glazing in doors will, therefore, be supported where replacements replicate the historic window and doors as far as practicable ~~having due regard to~~ helping to meet Jersey's commitment to energy efficiency.

Applications for the replacement of windows and doors in listed buildings or buildings in a conservation area must be supported by sufficient information and detail to enable the significance of windows and doors, and the impact of proposed change upon them, to be properly understood, considered and evaluated. Where this is not the case, applications will not be supported.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 48 - Policy HE2 - Management of change to windows and doors in conservation areas

Relevant policies

Policy HE2: Protection of historic windows and doors

Summary of representations received

- There is a need to clarify the policy test for changes to windows in buildings in conservation areas where:
 - the buildings are not listed
 - changes to windows would not affect the character or appearance of the conservation area
- as currently drafted, the policy test is too onerous and unjustified

Minister's comments

The Minister acknowledges that, by virtue of embracing an area rather than a specific building or place, the designation of conservation areas will include buildings that are not of such architectural or historical interest that they warrant individual designation (i.e. as listed buildings). There will also be circumstances where change to a building that is not listed will not have any impact upon the character or appearance of the conservation itself (e.g. minor change to a building that does not impact upon how the conservation is viewed or experienced).

As a consequence, it is appropriate that the policy regime to be provided by the plan makes provision for the varied and appropriate management of change in conservation areas. This will need to respond to the potential impact of proposed changes on buildings of differing heritage value and on the character or appearance of the conservation area. The Minister proposes to make changes to the policy regime for the management of change affecting windows and doors in conservation areas to better reflect this.

Minister's recommendation

The Minister for the Environment recommends the planning inspector notes the Minister's comments and his intention to propose amendment to the draft plan.

Minister's intention

The Minister for the Environment is **minded to propose changes** (shown in green).

Policy HE2 – Protection of historic windows and doors

Historic windows and doors in listed buildings or buildings in a conservation area, which are of significance to the special interest or **which contribute to the character of a building the conservation area**, should be repaired using materials and detailing to match the existing.

Where it can be demonstrated that repair of historic windows and doors is not feasible, proposals for their replacement will be supported where the replacements replicate the historic window and door in all respects including: the method of opening, materials, proportions, dimensions, visual weight and detailed design.

Where it can be demonstrated that existing windows and doors have little or no significance to the special interest of a listed building ~~or the character of a building in a conservation area~~, proposals for their replacement will be supported where the replacements replicate the historic forms in all respects, including: the method of opening, materials, proportions, dimensions, visual weight and detailed design.

Where proposals for the replacement of windows and doors in buildings in conservation areas will affect the character and appearance of the conservation area, they will only be supported where they protect or improve that character or appearance.

The replacement of ~~more~~ modern windows and doors in more recent extensions to listed buildings ~~or buildings in a conservation area~~ should have regard to the special interest ~~or~~ and historic character of the property. Any replacement windows and doors should protect and, where possible, improve the special interest or character of the building.

Proposals to improve energy efficiency, where they affect historic windows and doors, will be supported where it can be demonstrated that they do not harm the special interest of a listed building or the character ~~or appearance of a building in~~ a conservation area.

Applications for the replacement of windows and doors in listed buildings or buildings in a conservation area must be supported by sufficient information and detail to enable the significance of windows and doors, and the impact of proposed change upon them, to be properly understood, considered and evaluated. Where this is not the case, applications will not be supported.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 49 - Conservation area priority

Relevant policies

Proposal 14 – Conservation area designation

Summary of representations received

[P.036/2021](#) (39) Conservation area priority

- other areas, where there is perceived to be greater development pressure, should be prioritised for the designation of conservation area status
- the first conservation areas to be designated should be drawn from the following list: St Aubin, the historic areas of St Helier, the areas around the Parish churches of Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, St. Clement, Gorey Village and Pier, and Rozel Harbour;
- during the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this proposal.

Minister's comments

The proposal to designate a conservation area in St Aubin is a longstanding one, that has been endorsed, as a matter of principle, in successive Island Plans. The evident character of St Aubin is visibly and publicly recognised; and it is an area that is subject to development pressure associated with both residential and commercial development. On this basis, it is considered to be a good place to start the introduction of area-based protection of the historic environment in the island.

The designation of conservation areas generally will be based on areas of special architectural or historic interest, the character or appearance of which it is desirable to protect or improve, and the draft plan – in the preamble to the Proposal 14: Conservation area designation – identifies the areas which may have potential for designation. These include many of the areas suggested in representations as a priority for CA designation, instead of, or along with, St Aubin. On this basis, the Minister is supportive of giving greater emphasis to the potential of other areas to be designated as conservation areas in the plan.

Before a conservation area can be designated anywhere in Jersey, however, there is a need to establish a supporting framework of law, policy and guidance. As set out in the draft plan this involves:

- changes to the primary legislation (which is in train);
- the development of secondary legislation – establishing and setting the process by which CAs will be designated, including rights of appeal; and
- the criteria that will be used to identify and determine the boundaries of conservation areas, which will be set out in supplementary planning guidance, as will the form and requirements for conservation area appraisals.

All of this work will be required before any CA can be designated. Each potential conservation area will also be subject to its own specific conservation area appraisal.

The work to support conservation area designation will need to be prioritised relative to other proposals emerging from the draft plan and the level of resource that is available to support it. This will determine the timescale within which the first conservation area can be designated, and the rate at which subsequent conservation areas might be designated thereafter, applying the learning from the first designation to ensure this is as efficient and effective a process as possible.

As has been acknowledged in many of the representations, the proposal to designate conservation areas in Jersey is a longstanding one that has been reaffirmed by government, in successive Island Plans but has, as yet, had sufficient resource to enable these proposals to be realised. This Minister is of the view that the issue is one of not necessarily prioritising where in the island is first to be designated, but rather of securing sufficient resource to facilitate conservation area designation in the first place.

Minister's recommendation

The Minister for the Environment recommends the planning inspector notes the Minister's comments.

Minister's intention

The Minister for the Environment is **minded to accept** the proposed amendment, which would result in the following change (in red).

As stated in the Minister's comments, the ability to realise this proposal will be dependent upon the level of resource within government that is available to enable and support conservation area designation, taking into account the offer of assistance from the heritage sector which will be a helpful addition in bringing forwards future designations.

Proposal 14 – Conservation area designation

The Minister for the Environment will seek to ensure that the requisite legal framework, and supporting supplementary planning guidance, is in place to enable the identification and designation of conservation areas during the plan period.

It is proposed that the first conservation area ~~is designated in St Aubin~~ to be designated should be drawn from the following list: St Aubin, the historic areas of St Helier, the areas around the Parish churches of Grouville, St. Lawrence, St. Martin, Trinity, St. Ouen, St. Peter, St. Clement, Gorey Village and Pier, and Rozel Harbour during the plan period following engagement and consultation with the parish authorities, local residents, businesses and other key stakeholders, including heritage organisations.

During the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this proposal.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 50 - St. Brelade's Bay - parking

Relevant policies

(Strategic Proposal 1 – Development of a long-term planning assumption)

(Strategic Policy 1 – Responding to climate change)

(Strategic Policy 2 – Spatial Strategy)

Proposal 17 – St. Brelade's Bay Improvement Plan

Policy H2 – Housing density

Proposal 20 – Minimum density standards

Policy TT4 – Provision of off-street parking

Summary of representations received

[p.36/2021 \(55\)](#)

The amendment is in three parts, each dealing with proposed changes to various strategic proposals and policies in the draft plan.

- (a) Proposed amendment to **Strategic Proposal 1 – Development of a long-term planning assumption**, making specific reference to the St Brelade Bay Improvement Plan
 - (b) Proposed amendment to **Strategic Policy 1 – Responding to climate change**, seeking to add provisions about the management of change of car parking in St Brelade's Bay
 - (c) Proposed amendment to **Strategic Policy 2 – Spatial Strategy**, seeking to defer consideration of building density in St Brelade's Bay pending the adoption of the St Brelade's Bay Improvement Plan.
- the Bay has a high value for the visitor economy and island community.
 - recent public engagement as part of the background research for the Bridging Island Plan identified concerns from the community and stakeholders about the form of recent development and the potential loss of the tourism offer through inappropriate forms of development and further erosion of character.
 - delivery the optimal density of development on residential sites in the bay should be discouraged in favour of the expansion of tourist buildings and public amenity areas
 - the proposed St. Brelade's Bay Improvement Plan should seek to curtail further residential development at the expense of green infrastructure and economic vitality such that tourism and visitor economy uses should be prioritised.
 - tourist outlets and seaside resorts outside town need sufficient site or nearby parking
 - provision of car parking is desirable despite the potential availability of relatively slower public transport
 - any development in St. Brelade's Bay that would involve loss of:
 - public car parking or of
 - any customer or staff car parking area on a site in daytime and evening economy use should not be approved unless and until a study of car parking facilities in St. Brelade's Bay is carried out as part of a study related to the proposed St. Brelade's Improvement Plan;

- no detailed studies of car parking in the Bay as a designated Tourist Destination Area have been published recently. Neither has an objective proper assessment of present or anticipated future car parking needs.
- proper studies need to be carried out before any more car parking land is lost.
- the value of land, when not controlled to resist private residential use on the shoreline or within the bay, curtails the opportunity for public amenity, parking and other uses that support the tourism industry

Minister's detailed comments

Part (a) of the proposed amendment seeks to make specific reference to St Brelade Bay Improvement Plan as one of the considerations in the development of a long-term planning assumption for the island, as outlined (in red) below.

Strategic Proposal 1 - Development of a long-term planning assumption

Ministers will work together to develop a long-term planning assumption, with a clear and comprehensive methodology, for the next and future Island Plans, that reflects and responds to:

- the migration control policy;
- the forthcoming population policy;
- the findings of the Future Economy Programme; and
- the future development of wider relevant policies, including skills
- the St. Brelade Bay Improvement Plan.

Whilst of significance for the future planning and management of the bay, the Minister does not consider the St Brelade Bay Improvement Plan to be of strategic significance to the development of a long-term planning assumption for the island.

Part (b) of the proposed amendment seeks to make specific reference to the management of change affecting car parking in St Brelade's Bay, with the specific objective of seeking to protect and maintain it, as one of the ways in which the draft plan should respond to the challenges of climate change, as outlined (in red) below.

Policy SP1 – Responding to climate change

To promote and achieve a meaningful and long-term reduction in carbon emissions and to mitigate against and adapt to the impact of climate change, the Island Plan will:

1. direct growth to areas of previously developed land, or locations which minimise the need to travel by private vehicle;
2. secure improvements to walking, cycling, public transport and active travel networks and promote the use of sustainable forms of transport;
3. direct growth to areas which are least vulnerable to the long-term impacts of climate change, including flood risk;
4. support the retention and appropriate re-use and retrofitting of existing buildings;
5. ensure building design and the public realm is resilient and adaptable;

6. reduce the carbon impact of new development by requiring development to optimise land use through efficient forms of development which minimises energy demand, maximises energy efficiency and utilises renewable forms of energy;
7. support the delivery of renewable and low carbon energy schemes and innovative forms of infrastructure and land use which aid a transition to carbon neutrality; and
8. better protect and improve the island's green infrastructure to maintain and promote climate regulation.

Any development in St. Brelade's Bay that would involve loss of public car parking or of any customer or staff car parking area on a site in daytime and evening economy use shall not be approved:

- a. unless and until a study of car parking facilities in St. Brelade's Bay is carried out as part of a study related to the proposed St. Brelade's Improvement Plan; and
- b. it is in accordance with the recommendations arising from that study.

The Minister believes that this part of the proposed amendment is inappropriate in two key respects.

First, the Policy SP1: Responding to climate change sets out the draft plan's strategic response to this significant challenge. This policy provides the overarching framework and objectives for the plan as to how this might be addressed, and how planning policy might respond to it. This is supported by more detailed policies in the plan. The proposed insertion of a detailed policy provision relating to car parking in a specific part of the island is considered to be inappropriate here.

Second - as set out in the first two provisions of Policy SP1 - the issue of car parking needs to be considered against the context of minimising the need to travel by private vehicle and to promote the use of sustainable forms of travel if the challenge of climate change is to be met. This requires a fundamental re-think of how road (and associated) space is allocated and used. The draft plan sets out a number of policies which seek to do this, whilst seeking to ensure that the island's transport needs are met.

The Minister acknowledges that the provision of transport infrastructure, including parking facilities, which enables access to public facilities, such as the island's bays; and to specific forms of development, such as visitor accommodation, are important. The draft Island Plan sets out a planning framework to specifically deal with the need for parking to be provided in association with development (at Policy TT4). Any proposals for change to the level of parking associated with development would be assessed relative to this policy framework.

The draft plan also sets out a proposal to develop guidance for parking standards throughout the island, having regard to the availability of and access to other sustainable travel options in different places (Proposal 29: Sustainable transport zones).

Under the auspices of the island's sustainable transport policy, work is underway to develop rapid plans to support the island in its objective of developing a sustainable transport system by 2030. The level of public and other parking in the bay should, therefore, be considered relative to STP rapid plans for:

- review of the bus service;
- parking plan;
- active travel network;
- mobility as a service.

Part (c) of the amendment seeks to make explicit reference to the outcome of the St Brelade's Bay Improvement Plan, in so far as it relates to the matter of density, as outlined (in red) below.

Policy SP2 – Spatial strategy

Development will be concentrated within the island's built-up area, as defined on the proposals map.

In particular, development will be focused within the island's primary main urban centre of Town which will accommodate much of the island's development needs. Development will also be focused within the secondary main urban centre of Les Quennevais.

More limited development will take place within the island's local centres, with the scale of development related to local community need and context, as well as support for some parts of the island's economy. In order to support their vitality and sustainable growth, some limited expansion of local centres will take place, where sites are identified in the Island Plan.

In smaller settlements, development will be much more limited.

Outside the defined built-up area, within the countryside, around the coast and in the island's marine environment, development will only be supported where a coast or countryside location is justified, appropriate and necessary in its location. Development in the Coastal National Park will be very limited to protect its outstanding landscape and seascape character.

The appropriate development of previously developed land and of under-utilised land and buildings will be supported. In particular, development which makes the most efficient use of land, and which optimises the density of development, will be encouraged.

Proposals for land reclamation will be supported where they provide an appropriate response to increase the Town's resilience to the impact of climate change and where their environmental impacts are acceptable or can be appropriately managed and/or mitigated.

The optimisation of building density in St. Brelade's Bay shall be subject to the recommendations and guidance published in the St. Brelade's Bay Improvement Plan.

The Minister does not consider reference to the St Brelade Bay Improvement Plan to be of strategic significance relative to the spatial strategy for the island and that its reference here is inappropriate. Matters of detail, associated with building density, is addressed in other parts of the plan and is subject to specific policies and proposals.

Minister's recommendation

The Minister invites the planning inspector to note the comments made.

Minister's intention

The Minister for the Environment is **not minded** to accept part (a), (b) or (c) of the proposed amendment.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 51 - St. Brelade's Bay - Development

Relevant policies

SP2 – Spatial Strategy

SP7 – Planning for community needs

PL5 – Countryside, coast and marine environment

GD5 – Demolition and replacement of buildings

GD7 – Tall buildings

GD8 - Green backdrop zone

GD9 – Skyline, views and vistas

HE4 – Demolition in conservation areas

(H4 – Meeting housing needs)

H9 – Rural workers' accommodation

ER4 – Daytime and evening economy uses

Proposals map

Summary of representations received

A series of amendments have been made to add further policy provisions to the planning policy regime in St Brelade's Bay.

Amendments 53, 54, 55 (part c), 56, 57 and 58, and their various parts, seeks to address what they present as the pressures and impacts of development, particularly associated with the change of use of land to residential development from daytime and evening economy uses at the expense of supporting the visitor economy, public amenity, landscape degradation and the character of St. Brelade's Bay.

(Amendments 55 (parts a and b) and 59 also relate to St Brelade's Bay, but these are dealt with separately as they seek to address issues of parking and community participation.)

The Minister has attempted to comprehend and analyse these amendments collectively, and to consider their implications for the planning policy regime in the bay.

For all of the amendments the following issues are raised:

- St Brelade's Bay is identified as a Tourist Destination Area.
- recent development has replaced daytime and evening economy uses with residential units or resulted in a significant redevelopment or extension of existing dwellings to create larger residential property, to provide larger new houses or flats.
- the Plan needs to better balance the demands of the attraction of the bay to new residents against the strategic value of the Bay as a key part of the visitor economy.
- St. Brelade's Bay Baseline, public engagement exercise found
 - an 'overwhelming' concern that the Bay 'should be for the local community and visitors, not an elite or exclusive residential domain for the ultra-rich as it is increasingly becoming', and

- a concern expressed by most of the Bay's tourist businesses that 'the tourism offer needs to be supported or tourism businesses will continue to decline'.
- delivery of St. Brelade's Bay Improvement Plan is uncertain.

The specifics of the amendments are as follows:

[P/36/2121 \(53\)](#) - Development of the shoreline zone of St Brelade's Bay should seek to contribute to the daytime and evening economy rather than residential development alone.

- the Integrated Landscape and Seascape Character Assessment falls sort of encouraging landscaping in the shoreline zone that would be sympathetic with, and enhance the bay's green backdrop zone.
- the Bridging Island Plan does not allow resolution of tensions between policies, devolving resolution of these continuing tensions to individual planning officers and members of the Planning Committee. This can lead to an expensive and time-consuming process of delay, referral and appeal.
- where residential development along the Bay's seafront is encouraged, it will be to the detriment of potential tourist economy, public amenity development and landscape protection and improvement.
- this amendment seeks to go some way towards resolving the current conflict in the draft Island Plan by imposing further restrictions on developments in the Bay's shoreline zone so that land that has potential tourist economy and public amenity development value is better preserved for the benefit of the wider community. Landscaping that is more sympathetic is encouraged.

[P/36/2121 \(54\)](#) - Creation of 'shoreline extension zone' to restrict residential development.

- the Bridging Island Plan has conflicting policies without indicating how weight is applied to local tourist economic interest and landscape values of the green backdrop zone over wealthy individual landowner's interests. Devolving resolution of these continuing tensions to individual planning officers and members of the Planning Committee can lead to an expensive and time-consuming process of delay, referral and appeal.
- a lack of clear and transparent resolution allows potential abuse of personal authority or economic power (or perception of such) neither of which is conducive to good government, let alone a satisfactory planning system.
- where residential development along the Bay's seafront is encouraged it should not be to the detriment of potential tourist economy, public amenity development and landscape protection and improvement.
- this amendment seeks to identify the area of green backdrop zone along the Bay's eastern promenade immediately adjacent to its shoreline zone as a new 'shoreline extension zone' and to impose further restrictions on developments in that area to restrict residential development so that land that has potential tourist economy and public amenity development value is better preserved for the benefit of the wider community.

[P/36/2121 \(55\)](#) (In part) - St Brelade's Bay Improvement Plan and future parking needs.

- to meet the Ministers stated desire to avoid a 'Costa de St. Brelade' the interests of the Island's community and its tourism industry are best served by discouraging the optimisation of the density of development of private residences, such that tourist buildings and public amenity areas are favoured until the proposed Improvement Plan is progressed.

[P36/2021 \(56\)](#) – Workers' accommodation

- the Plan needs to better balance the demands of the attraction of the bay to new residents against strategic value of the Bay as a key part of the visitor economy
- a prejudice towards private housing development could prejudice the provision of staff accommodation.
- the amendment seeks to support the visitor economy by allowing provision of future staff accommodation.

[P36/2021 \(57\)](#) – Visitor economy and public amenity

- the potential for non-tourism based development on the seafront of St Brelade's Bay undermines the role of the Bay in the island's visitor economy. The amendment seeks to tighten the policy wording.
- the cessation of visitor economy uses should not allow the replacement with new residential development, rather the policy should support land uses that help deliver the tourism offer.
- St Brelade's Bay is attractive for the development of private residences, which may result in short term gains but long-term damage to character.
- in the space of ten years, a demand for sites for residential development in St Brelade's Bay has prejudiced the possible future acquisition of land in the shoreline zone for public amenity areas or premises for day and evening economy use for the local tourism industry.
- if new tourism and local community facilities are to be secured prior to the progress on Proposal 17 – St Brelade's Bay Improvement Plan, Policy ER4 is one of the policies that will need to be refined.
- the amendment seeks to discourage inappropriate residential use of land to support the tourism offer and visitor economy or offer public amenity.

[P36/2021 \(58\)](#) – Development

- Policy GD9 aims to protect 'skylines, views and vistas', effectively replacing Policy GD5 of the 2011 Island Plan. This Policy has yet to be developed to identify specific strategic views and skylines.
- the lack of clear definition of key views and skylines may be to the detriment of views of St Brelade's Bay and Ouaisné from coastal national park areas. The headlands offer spectacular views of both bays on popular coastal walks in the area.
- the Bay is a high profile and popular scenic seaside resort that has been identified as a Tourist Destination Area.
- St. Brelade's Bay Baseline, public engagement exercise found

- an 'overwhelming' concern that the Bay 'should be for the local community and visitors, not an elite or exclusive residential domain for the ultra-rich as it is increasingly becoming', and
- a concern expressed by most of the Bay's tourist businesses that 'the tourism offer needs to be supported or tourism businesses will continue to decline'.
- St Brelade's Bay is attractive for the development of private residences, which may result in short term gains but long-term damage to character.
- past planning approvals appear to fly in the face of the emerging policy – in that it had an adverse impact on views of a Conway Tower on site in views from a public path on the Le Grouin headland (as well as from the western side of its public beach).
- Ouaisné and St Brelade's Bay have been identified, along with Beauport Bay, as the St Brelade's Bay Coastal Unit in the Integrated Landscape and Seascape Character Assessment (ILSCA) which has provided landscape guidance in respect to development in this larger area. However, the ILSCA has not delivered a detailed assessment on landscape value in the wider Coastal Unit formed by the Bay. It does not promote new landscaping in the wide Bay context, does not address recent impacts of development in Ouaisné.
- landscape guidance in the 1989 Environmental Improvement Plan (which the States Assembly approved under paragraph 4.86 of the 2011 Island Plan to continue to make this relevant in future Island Plans) has not been properly referenced.
- in the space of ten years, a demand for sites for residential development in St Brelade's Bay has prejudiced the possible future acquisition of land in the shoreline zone for public amenity areas or premises for day and evening economy use for the local tourism industry.
- there is uncertainty regarding the timescales to implement Proposal 17: St Brelade's Bay Improvement Plan. Amendment - P.36/2021 Amd (19) seeks a deadline to progress this Plan.
- this amendment aims to enable the gradual improvement of views from important public viewpoints through encouraging appropriate landscaping to integrate built areas with surrounding areas. It also proposes other restrictions on development in the shoreline zone so that land that has visitor economy and public amenity value is better preserved for the benefit of the wider community.
- Les Ruisseaux Estate and other existing built area in and above Ouaisné as far as the Route des Genets to the north should be re-designated as Green Backdrop Zone, with the Draft Bridging Island Proposals Map Part A amended accordingly.

Minister's comments

Overview

The amendments relating to St Brelade's Bay are complex and various, with implications for both strategic and detailed policies.

The Minister is sympathetic to some of the objectives behind the proposed changes, but believes that they are not most effectively framed, within the structure and detail of the plan.

To help achieve the objective of better managing development that might affect the character of St Brelade's Bay the Minister is minded to propose his own changes and these are set out later (see GD9 below). These can help to sustain the bay's essential character pending the development of further guidance as part of the St Brelade's Bay improvement plan.

The Minister also considers it worth noting that the policy provisions in the draft Island Plan are already significantly strengthened in terms of being able to better manage the impact of development throughout St Brelade's Bay. There are enhanced provisions in the draft plan to consider issues associated with:

- design (Policy GD6: Design quality);
- impact on skylines and views, including views from the beach (Policy GD9: Skylines, views and vistas);
- greater regard to the character of the area and the context of a site (Policy SP3: Placemaking; SP4: Promoting and protecting island identity)
- greater protection for the green backdrop (Policy GD8: Green backdrop zone)
- impact on the St Brelade's Bay coastal unit, as identified in the ILSCA, under the auspices of Policy NE3: Protection of landscape and seascape character
- impact on that part of the Coastal National Park and its setting in St Brelade's Bay under the auspices of Policy NE3: Protection of landscape and seascape character

The Minister is also giving further consideration to how best to manage change affecting visitor accommodation in the bay; and the character of this important tourist destination (see Statement Response 59 - Visitor accommodation)

In order to assist the planning inspector in his assessment of the proposed amendments, the Minister has set out more detailed comments.

Detailed comments

In an attempt to try and best comprehend their purpose and effect, the Minister has sought to analyse the proposed amendments in relation to their effect on various policies of the plan; and in relation to key themes.

The effect of the amendments is to try and establish a new planning policy regime to apply in what is defined, in both the current Island Plan and the draft Island Plan, as the shoreline zone for St Brelade's Bay. Several of the amendments also seek to extend this additional planning policy regime to an 'extended' shoreline zone for St. Brelade's Bay which is shown below (where the current shoreline zone is in blue; and its proposed extension highlighted in yellow).



Amendments 53 (e), 54(c) and 55(c): strategic and spatial policies

Various amendments, and their constituent parts, propose changes to the following strategic policies (in red).

Policy SP2 – Spatial strategy

Development will be concentrated within the island's built-up area, as defined on the proposals map.

In particular, development will be focused within the island's primary main urban centre of Town which will accommodate much of the island's development needs. Development will also be focused within the secondary main urban centre of Les Quennevais.

More limited development will take place within the island's local centres, with the scale of development related to local community need and context, as well as support for some parts of the island's economy. In order to support their vitality and sustainable growth, some limited expansion of local centres will take place, where sites are identified in the Island Plan.

In smaller settlements, development will be much more limited.

Outside the defined built-up area, within the countryside, around the coast and in the island's marine environment, development will only be supported where a coast or countryside location is justified, appropriate and necessary in its location. Development in the Coastal National Park will be very limited to protect its outstanding landscape and seascape character.

The appropriate development of previously developed land and of under-utilised land and buildings will be supported. In particular, development which makes the most efficient use of land, and which optimises the density of development, will be encouraged.

Proposals for land reclamation will be supported where they provide an appropriate response to increase the Town's resilience to the impact of climate change and where their environmental impacts are acceptable or can be appropriately managed and/or mitigated.

In the case of the shoreline zone of St. Brelade's Bay, that the development makes a positive contribution to its daytime and evening tourist economy and is unlikely to deprive it of sites for future expansion. (53(e))

The optimisation of building density in St. Brelade's Bay shall be subject to the policies applying to its shoreline extension zone. (54(c))

The optimisation of building density in St. Brelade's Bay shall be subject to the recommendations and guidance published in the St. Brelade's Bay Improvement Plan (55(c))

Part 53(e): it is the Minister's view that this proposed amendment is inappropriate on three counts:

- it is inappropriate for all forms of development to be required to make a positive contribution to the daytime and evening tourist economy of the bay, and it is not clear how this policy provision might be expected to apply in the case of development that is not associated with either daytime or evening economy uses, or visitor accommodation. There are, for example, numerous residential properties within the shoreline zone.
- it is unreasonable and inappropriate to seek to preclude development within this area on basis of its potential to contribute to tourism, particularly when the area includes a variety of land uses, including residential.
- this area is not of strategic significance and does not warrant reference in a strategic policy of the plan.

The Minister would also add that the draft plan seeks to support and encourage the contribution of appropriate forms of development - where they relate, for example, to daytime and evening economy uses (at Policy ER4) and visitor accommodation (Policy EV1) – to the character of tourist destination areas. These are identified in the draft plan at Gorey, St Helier, St Aubin and St Brelade's Bay.

Parts 54(c) and 55(c): these two amendment parts are similar in nature, with differing spatial applications.

The Minister does not consider reference to the St Brelade Bay Improvement Plan to be of strategic significance relative to the spatial strategy for the island and that its reference in this strategic policy is inappropriate.

Matters of detail, associated with building density, are addressed in other parts of the plan and is subject to specific policies and proposals (i.e. PL3: Local centres; H2: Housing density; and Proposal 20: Minimum density standards).

Amendments 53(a) and 54(d)

Policy SP7 – Planning for community needs

All new development must be able to demonstrate that it is helping to meet the identified needs of our community, both in the short and long-term. In particular:

- residential development must make a positive contribution to the island's housing stock, by delivering homes at optimal densities in sustainable locations, of the right type, tenure and size;
- new homes must be of a good design, standard and specification that is capable of adaptation to meet the changing needs of individuals and families;

- the design of new development should contribute to the sense of place; and support and enable the creation of sustainable communities where people can know their neighbours and have a sense of belonging;
- development must make a contribution to physical infrastructure or community facilities where improvements are identified as necessary to meet an impact arising from the development;
- development must be located and designed to avoid environmental risks and, where necessary, demonstrate how measures to minimise and mitigate any impacts arising from identified environmental risks have been incorporated, as far as reasonably practicable;
- development must be designed in a way that reduces the potential for crime and the fear of crime; and
- new or improved public infrastructure will be supported where it is required and will be resilient to future, changing needs
- in the case of the shoreline zone of St. Brelade's Bay, that the development makes a positive contribution to its daytime and evening tourist economy and is unlikely to deprive it of sites for future expansion (53(a))
- in the case of the shoreline extension zone of St Brelade's Bay, that the development makes a positive contribution to its daytime and evening tourist economy and is unlikely to deprive it of sites for future expansion(54(d)) .

Part 53(a) and 54(d): the Minister's view of these proposed amendments are similar to those expressed for amendment (53(e)), as the effect of these amendments is essentially the same. Thus, as with the Minister's previous comments, he considers these amendments to be inappropriate on the basis of the following:

- it is unreasonable for all forms of development to be required to make a positive contribution to the daytime and evening tourist economy of the bay, and it is not clear how this policy provision might be expected to apply in the case of development that is not associated with either daytime or evening economy uses, or visitor accommodation. There are, for example, numerous residential properties within the shoreline and shoreline expansion zone.
- it is unreasonable and inappropriate seek to preclude development within this area on basis of its potential to contribute to tourism, particularly when the area includes a variety of land uses, including residential.
- this area is not of strategic significance and does not warrant reference in a strategic policy of the plan
- the relevance of this issue and provision in a policy relating to 'planning for the community's needs' is not clear.

Amendments 53 (b) and 54(e)

Policy PL5 - Countryside, coast and marine environment

Development proposals in the countryside, around the coast and in the marine environment should protect or improve its character and distinctiveness. Where relevant, they should also

protect or improve the special landscape and seascape character, and special qualities, of the Coastal National Park and its setting, and be compatible with the purposes of the park.

To protect the countryside and coast and to ensure development is concentrated in the most sustainable locations, the development of new homes will not be supported except in very limited circumstances.

To protect the seascape and future public and visitor enjoyment of St. Brelade's Bay, within in its shoreline zone:

- the development of new homes on previously undeveloped land; and
- the extension of existing buildings in private residential use will not be supported except in very limited circumstances (53(b))

To protect the seascape and future public and visitor enjoyment of St Brelade's Bay, within its shoreline extension zone:

- the development of new homes on previously undeveloped land; and
- the extension of existing buildings in private residential use will not be supported except in very limited circumstances (54(e))

Where a coast or countryside location is justified, and where any impact will be limited, the provision or enhancement of sports, leisure and cultural facilities that supports the health, wellbeing and enjoyment of islanders and visitors will be supported.

Agricultural land will be protected, particularly where its characteristics mean the land is of high-quality and value to the agricultural industry.

Economic development that supports the maintenance and diversification the rural and island economy will be enabled here, where the location of development is justified and appropriate; or where it involves the reuse or redevelopment of already developed land and buildings, where it is appropriate to do so.

The development of sites and infrastructure that help meet the island's strategic needs for minerals, waste management, energy and water will be supported in the countryside, around the coast and in the marine environment, where it is demonstrated to be in the island's strategic interest, and where its impact can be avoided, minimised, mitigated or compensated.

Development proposals located in the marine environment will not be supported except where a marine location is demonstrated to be essential.

Part 53(b) and 54(e): the Minister considers these proposed amendments to be inappropriate and unjustified.

They seek to amend a policy that has no spatial application to the island's built- up area. Policy PL5 seeks to set a policy regime for the area outside of the built-up area i.e. the countryside, coast and marine environment. This is explicitly described in the preamble to the policy and clearly defined on the proposals map. The shoreline, and the proposed extended shoreline zone, are within the built-up area (to which, in the case of the built-up area of St Brelade's Bay, Policy PL3: Local centres, applies – as described explicitly in the preamble to the policy and defined on the proposals map).

The Minister also considers them to be unjustified on the basis that, because the shoreline zone sits within the defined built-up area, there is no justification to preclude the development of new homes or to allow existing residents to extend their homes.

Amendments 53(c), (d), 54(f), 54(g) and 58(a): General development policies

Various amendments are proposed to general development policies GD5, GD7, GD8 and GD9 as follows (in red). The Minister offers comments in relation to each, relative to the amendments and their various parts:

Policy GD5 – Demolition and replacement of buildings

The demolition and replacement of a building or part of a building will only be supported where it is demonstrated that:

1. it is not appropriate in sustainability terms, and/or economically viable, to repair or refurbish it; and
2. the proposed replacement building or part of a building represents a more sustainable use of land having regard to the density of existing and proposed development, overall carbon impact, waste generation, and the use and performance of materials and services.

Applications for the demolition and replacement of buildings, or part of a building, must be accompanied by sufficient information which demonstrates that the likely environmental or sustainability benefits of the proposed development outweigh the retention of the existing building.

In the case of the shoreline zone of St. Brelade's Bay, exceptions to this policy will be allowed to accommodate any improvements that:

- a. enhance any site in daytime and evening use of any premise, and
- b. improve the appearance and sense of place of its seafront, in the context of its attractiveness as a Tourist Destination Area and of the Bay as a coastal unit. This will be subject to any guidance and recommendations in the St. Brelade's Bay Improvement Plan, once progressed (53(c))

In the case of the shoreline extension zone of St Brelade's Bay, exceptions to this policy will be allowed to accommodate any improvements that:

- a. enhance any site in daytime and evening use of any premise, and
- b. improve the appearance and sense of place of its seafront, in the context of its attractiveness as a Tourist Destination Area and of the Bay as a coastal unit. This will be subject to any guidance and recommendations in the St Brelade's Bay Improvement Plan, once progressed (54(f))

Part 53(c) and 54(f): the Minister considers these proposed amendments to be inappropriate and unjustified.

They seek to create an exception from a universal policy provision that would be applied to all forms of development - wherever it is proposed to take place across the island - that seeks to help meet the challenge of climate change, without any clear basis for so doing. It is not clear, or

evidenced, why development in St Brelade's Bay should be exempt from a policy which is seeking to address such a fundamental, universal and urgent challenge.

Policy GD7 – Tall Buildings

Proposals for tall buildings are those where it is two or more storeys above the prevailing contextual height or over 18m (or four-six storeys) high.

Proposals for the development of a tall building will only be supported where:

- it is well-located and relates well to the form, proportion, composition, scale and character of surrounding buildings and its height is appropriate to the townscape character of the area. In Town this should be considered relative to the St Helier Urban Character Appraisal (2021) building height guidance;
- it does not unacceptably harm longer views and context at street level;
- it incorporates the highest standards of architecture and materials;
- it has ground floor activities that provide a positive relationship to the surrounding streets, and public realm;
- it does not adversely affect the locality in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, privacy and amenity of surrounding buildings;
- it contributes to improving the permeability of the site and wider area; and
- its height can be fully justified in a design statement.

Development of a tall building of over eight storeys within Town will only be supported in exceptional circumstances and where the overall benefit to the community will demonstrably outweigh any adverse impacts.

Development of a tall building of over eight storeys will not be supported outside of Town.

Subject to any further specifications in the St. Brelade's Improvement Plan, if progressed, in St. Brelade's Bay:

- any development, redevelopment or extension of:
 - any building in the shoreline zone to the west of Winston Churchill Seaside Gardens, and
 - any building in private residential use in the shoreline zone and shoreline extension zone to the east of Winston Churchill seaside gardens, that results in a development higher than the building or residence's current ridge height, and
 - any development, redevelopment or extension of any building in daytime and evening economy use in the shoreline zone and the shoreline extension east of Winston Churchill seaside gardens (including any building permitted to change to residential use), that results in a development higher than the current ridge height (excluding fixtures) of the L'Horizon Hotel

will not be supported. (53(d))

Part 53(d): whilst the Minister supports the objective of seeking to ensure that there is appropriate regulation and control of the height of any development where it would impact upon the shoreline zone (and the proposed extended shoreline zone) of St Brelade's Bay, he considers this proposed amendment to be misplaced (relative to this and other policy provisions in the draft plan), and inappropriate in some respects.

On this basis, the Minister is minded to propose his own amendment to achieve the intent behind the amendment. In this respect, the Minister is not minded to support changes to GD7, as set out in the States Member amendment for the reasons set out in more detail below; but to put forward his own changes for consideration to amend Policy GD9: Shoreline zone, as set out in more detail later (see below).

In terms of the proposed changes to Policy GD7: Tall buildings, the Minister considers it to be not sufficiently comprehensive on the basis that it fails to embrace visitor accommodation and that any proposal to redevelop visitor accommodation would not be subject to the provisions of the proposed amendment. There are a number of hotels that sit within the shoreline zone and its proposed extension to this zone.

It offers no evidence or analysis to support the height restrictions imposed within the policy and, therefore, fails to demonstrate whether it can be justified. This is particularly applicable to existing residential development where there may be buildings which are currently limited in height and where the impact of any development proposal which raises the height of new development may have little or no adverse visual impact. The Minister considers that the proposed changes to the proposed policies are both unduly restrictive to change in the built-up area and not supported by evidence or analysis.

The Minister also considers that the level of detail expressed in the proposed changes – even where it could be justified – is too detailed for the face of an Island Plan policy and is most appropriately addressed in supplementary design guidance. The proposal to develop an improvement plan for St Brelade's Bay affords the opportunity for this to be developed in order to develop a design guidance for different parts of the bay, relative to its character and capacity for change and improvement. Work has already been undertaken to explore this issue through the St Brelade Character Appraisal.

Policy GD8 – Green backdrop zone

1. Within the green backdrop zone, proposals for the extension or replacement of existing buildings will be supported where:
 - a. it does not involve the loss of a previously undeveloped site;
 - b. it does not unacceptably increase the visual prominence of the development, and is well-related to existing development;
 - c. it avoids the skyline and the steepest slopes, where extensive earthworks may be required;
 - d. it is appropriate in scale, design, material and colour, and is designed to minimise light pollution, and is not floodlit;
 - e. existing green infrastructure is retained, and new additional tree planting and landscaping is provided to support the integration of existing and new development into the landscape; and

- f. it does not contribute to the erosion of gaps between built-up areas.
- 2. The development of detached buildings, or other forms of new development, within the green backdrop zone will not be supported except where:
 - a. it does not result in the net loss of green infrastructure or adversely affect the landscape character of the green backdrop zone; or
 - b. the overall benefit to the community of the proposal demonstrably outweighs the harm.
- 3 The shoreline extension zone of St. Brelade's Bay shall be included within its green backdrop zone and the same policies will apply to it with the following additional restrictions:
 - a. the footprint, scale and mass of any replacement, redeveloped or extended building in private residential use will only be permitted to be larger than the footprint, scale and mass of the building it replaces in minor respects;
 - b. new development and redevelopment and /or extension and existing development should be sensitive to its landscape context in terms of scale, design, materials and colour; and
 - c. the overall benefit to the community of any proposal shall not be interpreted to mean any housing development reasonably likely to deprive the community of future public amenity land or the local tourist economy of future development land. (54(g))

Part 54(g): whilst inevitably well-intentioned, the Minister considers this proposed amendment to be, in its various parts, unnecessary, inappropriate and unjustified.

The proposed amendment is unnecessary because the proposed shoreline extension zone is already in the green backdrop zone. As a consequence, the provisions sought at 3(b) relating to landscape context are already addressed by Policy GD8, which applies to it.

The proposed amendment at 3(a) is considered to be unduly onerous, unjustified and restrictive for property owners who live within this area, which sits within the built-up area.

Finally, the Minister considers it unreasonable, unjustified and inappropriate to seek to preclude development within this area on basis of its potential to contribute to tourism or public amenity, particularly when the area includes a variety of land uses, including private residential land use.

As stated above, however, the Minister supports the intention to better regulate change in the bay's shoreline zone and this is best effected through consideration of and changes to Policy GD9.

Policy GD9 – Skyline, views and vistas

The skyline, strategic views, important vistas, and the setting of listed buildings, places and key landmark buildings must be protected or enhanced.

Development that will lead to adverse impacts on the skyline, strategic views, important vistas, or the setting of listed buildings and places or key landmarks, by virtue of siting, scale, profile or design, will not be supported except where the overall benefit to the community of the proposal demonstrably outweighs the adverse effects of any harm.

Within the shoreline zone, the development of new buildings or infrastructure, new structures or extensions to existing buildings will only be supported where they do not obstruct significant views to, or involve the loss of open spaces which provide views to, the shoreline and sea.

Skyline and strategic views in St Brelade's Bay shall include:

- existing views of its skyline from its beach;
- existing views of its skyline and its listed buildings on its shoreline from the following public viewpoints:
 - a. its pier,
 - b. Portelet Common (Ouaisné headland above La Cotte)
 - c. Le Grouin and its headland; and
 - d. the cliff path behind St Brelade's church towards Beauport Bay; and
- existing views of listed buildings on St Brelade's Bay shoreline from the public terraces or guest rooms of visitor accommodation and dining and entertainment areas of premises in daytime and evening use.

Within the shoreline zone:

1. the development of new buildings or infrastructure, new structures or extensions to existing buildings will only be supported if the development overall does not obstruct views (in the case of private residential development) or significant views (in the case of daytime and evening use premises or publicly owned buildings) to, or involve the loss of open spaces which provide views to, the shoreline and sea;
2. the footprint, scale and mass of any replacement, redeveloped or extended building in private residential use will only be permitted to be larger than the footprint, scale and mass of the building it replaces in minor respects; and
3. the overall benefit to the community of any proposal shall not include any luxury housing development.

Redevelopment and /or extension of existing development in the shoreline zone should be sensitive to its landscape context in terms of scale, design, materials and colour and should include ancillary 'green' landscaping complementary to the wooded scarp areas of the Bay. (58(a))

Part 58(a): whilst inevitably well-intentioned, the Minister considers this proposed amendment to be, in its various parts, unnecessary and inappropriate; but that the intention of the proposed changes could be realised in better, more effective ways, as set out below with regard to the Minister's own intention to make change, to reflect the spirit behind the amendment.

Before dealing with the Minister's own suggested changes, the Minister's views on the changes proposed in the amendment are as follows:

It is unnecessary because there is no requirement or justification to specify views for specific parts of the island on the face of a universal policy dealing with views. The preamble to the policy, at p.95-98, provides significant detail on the nature of views that may be affected by development proposals where the policy provision of GD9 would apply.

The Minister considers that this level of detail is most appropriately addressed in supplementary design guidance. The proposal to develop an improvement plan for St Brelade's Bay affords the opportunity for this to be developed in order to develop a design guidance for different parts of the bay, which may seek to identify and define key views.

The Minister also considers that the proposed changes are both unduly restrictive to change in the built-up area, particularly in relation to private residential development, and not supported by evidence or analysis.

The Minister considers the proposed amendment to be flawed in its objective on the basis that it fails to embrace visitor accommodation and that any proposal to redevelop visitor accommodation would not be subject to the provisions of the proposed amendment. There are a number of hotels that sit within the shoreline zone.

It is also considered to be inappropriate both to seek to protect private views from visitor accommodation (as specified in the third bullet of the amendment); or to preclude the provision of housing development within this part of the built-up area. Similarly, the term 'luxury' is unspecified, meaningless and not material to the planning process.

Turning to his own suggested changes, the Minister would first wish to state that the policy provisions in the draft Island Plan are significantly strengthened in terms of being able to better manage the impact of development throughout St Brelade's Bay on the basis that there are enhanced provisions to consider issues associated with:

- design (Policy GD6: Design quality);
- impact on skylines and views, including views from the beach (Policy GD9: Skylines, views and vistas);
- greater regard to the character of the area and the context of a site (Policy SP3: Placemaking; SP4: Promoting and protecting island identity)
- greater protection for the green backdrop (Policy GD8: Green backdrop zone)
- impact on the St Brelade's Bay coastal unit, as identified in the ILSCA, under the auspices of Policy NE3: Protection of landscape and seascape character
- impact on that part of the Coastal National Park and its setting in St Brelade's Bay under the auspices of Policy NE3: Protection of landscape and seascape character

Turning specifically to the shoreline zone, a specific provision was added to the 2011 Island Plan, by amendment in 2014, under the auspices of Policy GD9, to address the challenge of regulating the scale of development specifically in this part of the bay:

Policy BE4: Shoreline zone (*extract Revised 2011 Island Plan*)

Within the shoreline zone for St Brelade's Bay, the following forms of development will not normally be approved:

The redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced.

Pending the development of the improvement plan for the bay, together with the obvious concern about the resilience and robustness of the policy provisions in the draft plan, the Minister considers it reasonable and appropriate that the existing provisions applying specifically to the shoreline zone of St Brelade's Bay are retained, and in this respect, the Minister is minded to consider making the following changes to Policy GD9, as set out below, **in green**.

Policy GD9 – Skyline, views and vistas

The skyline, strategic views, important vistas, and the setting of listed buildings, places and key landmark buildings must be protected or enhanced.

Development that will lead to adverse impacts on the skyline, strategic views, important vistas, or the setting of listed buildings and places or key landmarks, by virtue of siting, scale, profile or design, will not be supported except where the overall benefit to the community of the proposal demonstrably outweighs the adverse effects of any harm.

Within the shoreline zone, the development of new buildings or infrastructure, new structures or extensions to existing buildings will only be supported where they do not obstruct significant views to, or involve the loss of open spaces which provide views to, the shoreline and sea.

Within the shoreline zone of St Brelade's Bay, the redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced will not be supported.

Amendment 56: St Brelade's workers' accommodation

The following amendment – amd 56 – is focused on St Brelade's workers' accommodation and the amendment is in two parts. Part (a) seeks to amend Policy HE4; and part (b) to amend Policy H9.

Policy HE4, however, addresses the matter of demolition in conservation areas (Policy HE4: Demolition in conservation areas) and it is believed that it is, therefore, made in error and seeks to focus of Policy H4: Meeting housing needs. The Minister comments, in relation to part (a) are offered on this basis.

The amendment, it is believed, seeks to make the following change (**in red**)

Policy H4 – Meeting housing needs

In order to ensure the creation of sustainable, balanced communities, the development of new homes will be supported where it can be demonstrated that it positively contributes to meeting identified housing needs of the local community or the island, in terms of housing types, size and tenure, having regard to the latest evidence of need.

Development proposals which would result in an unacceptable over-concentration of any type, size or tenure of housing will not be supported, except where overriding justification is provided to justify the mix.

Where development proposals are subject to site or area-specific supplementary planning guidance, the mix of specific types, size and tenure of homes should accord with that guidance, except where overriding evidence is provided to justify a different mix.

Subject to any further guidance provided in the St. Brelade's Bay Improvement Plan, within the shoreline zone, the shoreline extension zone and other areas of strategic value to the tourist industry of St. Brelade's Bay, including sites used for staff accommodation, the meeting of 'identified housing needs' shall not take precedence over the need to accommodate growth, and serve the needs, of the Bay's daytime and evening economy and the potential provision of public amenities in such areas (56(a))

Part 56(a): The general thrust of this amendment appears to seek to preclude other forms of development throughout St Brelade's Bay, and specifically the provision of homes, where that might affect the availability of staff accommodation to support the tourism industry.

The amendment is flawed in a number of respects on the basis that the planning system does not generally seek to regulate different types of residential accommodation except where consent for that residential accommodation has been exceptionally granted to specifically support the provision of accommodation for staff engaged to support a particular industry i.e. occupancy conditions may be imposed on the award of planning permission for residential development in the countryside to support the agricultural industry, where it can be demonstrated that it is essential to provide on-site accommodation, for example). Such conditionality is not an issue in the built-up area and any proposal, where it requires planning permission on the basis of physical changes to the building or the creation of additional units of accommodation, will be tested on its merits relative to other planning considerations.

Secondly, the amendment focuses on the daytime and evening economy, but appears not to embrace the needs of hotel staff.

The draft plan encourages the provision of staff accommodation in the built-up area (at Policy H9) and, on this basis the Minister considers this part of the proposed amendment to be unnecessary and inappropriate.

Policy H9 – Rural workers' accommodation

The provision of residential accommodation for workers involved in agriculture and tourism will be encouraged and supported within the built-up area.

The development of residential accommodation for workers involved in agriculture and tourism outside the built-up area will only be supported where it can be demonstrated that all of the following criteria are satisfied:

- i. it is essential to the proper function of the business and is of a size appropriate to the functional need;
- ii. it can be demonstrated that it cannot be provided on a site within the boundary of the built-up area; or within other existing occupancy-tied rural accommodation, and still meet the functional need;
- iii. the need relates to a full-time worker or one who is primarily employed in agriculture or tourism who needs to be located outside the built-up area and does not relate to a part-time requirement;
- iv. cannot be provided by an existing building, either on or off the site, and still meet the functional need;

- v. cannot be provided by rearranging, subdividing or extending an existing building on the site;
- vi. where possible, is located within or adjacent to the existing business premises, or other buildings on the site; and
- vii. the agricultural or tourism enterprise has been established for at least ten years, is currently financially sound, and has a clear prospect of remaining so.

Where the development of residential accommodation for workers involved in agriculture and tourism outside the built-up area is supported it will be regulated to:

- viii. prevent the sale of the accommodation separately from the site itself, or any part of it;
- ix. limit occupation of the accommodation to persons solely employed in agriculture or tourism.

Applications for the removal of restrictive occupancy conditions will only be granted where it can be demonstrated that:

- x. the restriction has outlived its original planning purpose, and;
- xi. there is no reasonable prospect of the accommodation being occupied by workers involved in agriculture and tourism as demonstrated by a comprehensive marketing exercise which reflects the nature of the occupancy restriction.

The change of use of residential accommodation in St. Brelade's Bay for workers involved in tourism shall be discouraged. (56(b))

Part 56(b): As stated above (in relation to Part 56(a)), the Minister considers that there is no appropriate need or justification to seek to regulate change within different forms of residential accommodation except where express consent is required to do so and, in such circumstances, the planning merits of the proposal will be material.

Amendment 57

This amendment seeks to make the following change (in red)

Policy ER4 – Daytime and evening economy uses

1. Proposals for new or extended uses associated with the daytime and evening economy within St Helier town centre, the defined centre at Les Quennevais or at a tourist destination area will be supported where the proposal does not have an unacceptable impact on neighbouring residents and uses.
2. Outside of the areas identified in part 1 of this policy, proposals for new or extended daytime and evening economy uses will only be supported where:
 - a. it is within the built-up area;
 - b. there is a demonstrable need for such uses;
 - c. in cases outside the built-up area, where use is made of existing buildings or, where existing buildings are redeveloped, an environmental improvement is secured, relative to the local character of the area.

3. Proposals for new beach and other kiosks will only be supported where they make use of existing buildings or structures. Mobile facilities will be subject to specified times of operation and must be removed in accordance with them.
4. Where there are proposals for new noise- and other nuisance-sensitive uses in proximity to existing noise- and other nuisance-generating daytime and evening activities, 'agent of change' principles will be applied. Such proposals will only be supported where it can be demonstrated that they are designed to enable existing daytime and evening uses in the proximity of the proposed use to continue to operate and be viable without unreasonable restrictions being placed on them.
5. Change of use away from daytime and evening economy uses will only be supported where:
 - a. it can be demonstrated that there is no market demand for the continued use of the premises for daytime and evening economy uses (the site having previously been publicly tendered on the open market at a price no greater than the commercial value of the site for tourist economy use (discounting any potential change of use to enable development for residential purposes) or such price as the seller can demonstrate was the minimum necessary to avoid a loss in capital investment in any premises (or part thereof) in daytime and evening use on the site); (57(a))
 - b. in the case of tourist destination areas, there is no unacceptable adverse effect on the intrinsic character of identified tourist destination areas;
 - c. outside of the built-up area, proposals deliver an environmental improvement; or
 - d. the overall benefit to the community of the proposal demonstrably outweighs the adverse effects of loss of daytime and evening economy uses.
6. Any proposed design for the replacement of the whole or part of any premises daytime and evening economic use in St Brelade's Bay shall be supported by an independent and objective professional assessment of the functionality of the design for commercial purpose (including without limitation storage, delivery areas, car parking facilities and potential impediments to customer and kitchen service in the case of a design for any restaurant or café premises), highlighting any design features that are likely to discourage commercial interest in the new premises. (57(b))

The Minister considers that both parts of this amendment to be flawed and inappropriate within the context of the planning system and the Island Plan. In relation to part (a), the preamble to the policy makes clear of the reasonable expectations of any marketing of daytime and evening economy uses, and this is supported by supplementary planning guidance. The proposed amendment imposes unduly onerous and inappropriate level of prescription which cannot be legitimately effected and is without justification. The proposed amendment also appears to preclude visitor accommodation.

The second part of the amendment seems to propose the introduction of some form of functional test for employment-use development proposals. The Minister is of the view that there is no public interest in any such assessment, and it is not a function of the planning system to undertake such.

Amendments 54(a) and 58(b)

Proposals map

Various parts of the amendments propose changes to the proposals map, specifically Part 54(a) – involving the creation of an extended shoreline zone; and Part 58(b) – involving the designation of that part of the built-up area at Les Ruisseaux Estate, above Ouaisné, as green backdrop zone.

Part 54(a)



Notwithstanding the addition of further planning policy provisions to this part of the bay, set out in other amendments, the Minister considers that it is appropriate to have regard to the purposes of the shoreline zone is considering whether this proposed change to the spatial extent of the area is valid.

The shoreline zone – under the auspices of Policy GD9 – is essentially designed to protect and maintain public views and access to the coastline where it is visible from the coast road within the island's built-up area. In terms of the original definition of this area in St Brelade's Bay, it is defined at a point where the functionality of that objective begins to wane, as the distance and quantum of development between the coast road and the foreshore negates public views and access. It is also at a point where the coastal plain of the bay starts to rise and to the land becomes part of the bay's backdrop.

In this respect, therefore, the Minister is of the view that the green backdrop zone policy regime – which is designed to protect the landscape character of the bay's backdrop – is more appropriate and applicable to this area and should be retained.

Part 58(b)

The Minister is of the view that the built-up area above Ouaisné forms part of the physical escarpment to the bay and would benefit from a planning policy regime which to protect its existing green infrastructure, whilst enhancing its landscape character.

Minister's recommendation

The Minister for the Environment recommends that the inspector has regard to the Minister's comments in relation to the issues raised in relation to St Brelade's Bay and is invited to consider the robustness of the existing planning policy regime proposed for the bay, relative to the issues raised.

Minister's intention

The Minister for the Environment is **not minded** to accept any of the proposed amendments save for the extension of the green backdrop zone to the built-up area above Ouaisné, as set out at Part 58(b).

The Minister is minded to propose his own changes that would apply specifically to the existing defined shoreline zone in St Brelade's Bay, as set out and highlighted (in green) below.

Policy GD9 – Skyline, views and vistas

The skyline, strategic views, important vistas, and the setting of listed buildings, places and key landmark buildings must be protected or enhanced.

Development that will lead to adverse impacts on the skyline, strategic views, important vistas, or the setting of listed buildings and places or key landmarks, by virtue of siting, scale, profile or design, will not be supported except where the overall benefit to the community of the proposal demonstrably outweighs the adverse effects of any harm.

Within the shoreline zone, the development of new buildings or infrastructure, new structures or extensions to existing buildings will only be supported where they do not obstruct significant views to, or involve the loss of open spaces which provide views to, the shoreline and sea.

Within the shoreline zone of St Brelade's Bay, the redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced will not be supported.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 52 - Policy SP 1 - Policies for development standards to reduce carbon emissions

Relevant policies

SP1 – Responding to climate change

Summary of representations received

- Why is the BIP targeting the construction industry when everyone needs to contribute towards becoming carbon neutral?
- The Passivhaus standards unfairly target affordable homes providers
- Why have the Passivhaus and BREEAM standards been chosen, when other, better, standards are available?
- The chosen standards will impact upon development viability and are onerous
- When will the standards be checked and by who?
- The standards will require more detailed design work to be undertaken at the point of a planning application which will increase costs and risk of loss should the development be refused.
- Why isn't the 20% TER reduction sought on all development?

Ministers detailed comments

Context

The justification for requiring increased building standards to support a reduction in carbon emissions is made clear in the plan; as set out in the introduction, the first Strategic Policy (SP1 – responding to climate change), and the managing emissions chapter, in particular.

The States Assembly voted to declare a climate emergency in May 2019 (P.27/2019, as amended). In February 2020, the Assembly agreed a Carbon Neutral Strategy (P.127/2020, as amended). The Carbon Neutral Roadmap (CNR) - which will set out the major steps that need to be taken in order to reach the ambition agreed by the assembly - is currently under development and is not due to be agreed until 2022.

In the meantime, the draft Bridging Island Plan proposes a framework to reduce carbon emissions arising from development activity. It is essential that the plan seeks to make progress now and delaying a planning response to the issue would not only be a failure to uphold the decision of the Assembly, but also a failure to plan sustainably, in a manner which best serves the interest of the community.

Some representations have asserted that the plan unfairly targets the development industry to support the ambition to become carbon neutral. This is not the case. All islanders and local businesses will be required to both change certain behaviours and bear direct financial costs to transition to lower carbon lifestyles. It is known that the use of energy in homes, and for traveling around the Island are some of the biggest contributors to Jersey's carbon emissions, and therefore, addressing both the standard and location of new development must play a key role in reducing our emissions.

It is an established responsibility of developers, through the planning process, to ensure that a development proposal manages the impact which it has the potential to create. The growing focus on managing carbon emissions is reflective of the urgency to address climate issues; this focus does should not be seen as a new concept, but instead a reflection upon an inadequate response in the past.

The way buildings are designed has a significant influence over how much energy they consume, and their whole-life carbon impact. To address this, the draft plan targets specific ways in which higher-performing development standards can be achieved, depending on the development type and its impact. They are designed to ensure that, whilst ambitious, the standards are targeted, pragmatic and achievable.

The proportionality of standards is important during this time when the CNR has not yet been established. The size of commitment to achieve the step-change is not yet fully clear, though it is most likely to ask for a greater degree of change than is presently indicated by the development standards in the plan. The targeted approach adopted seeks to manage the proportionality of the requirements, and balance it where the most benefit might be achieved in the short to medium-term.

Identification of standards in the draft Plan

The draft plan (p.205-206) explains how Jersey's carbon emissions are categorised by their scope, and Figure ME2 provides a summary of how the Bridging Island Plan is seeking to reduce carbon emissions based on these categories. The plan also acknowledges that in order to achieve a significant and permanent reduction in carbon emissions, a review of Jersey's building bye-laws is necessary. This review has not yet begun, and it will inevitably take time to develop and consult upon proposed standards before new bye-laws technical guidance can be adopted. The plan highlights that the outcome of the bye-laws review will trigger a reflection upon the development standards established in the plan, and appropriate action will be taken to ensure that the plan is suitably aligned to the new requirements, when the time comes.

In developing the managing emissions chapter, a variety of different standards and approaches were considered for potential use in the plan. There are a number of known and emerging standards available, each with different objectives, compliance requirements and benefits. The Minister considered the scope, complexity, international uptake and viability impacts of these standards before settling on what he deemed to be both a proportionate and effective means to take immediate action to reduce carbon emissions arising from new development.

- **Policy ME1 – 20% reduction in target energy rate for large-scale developments** is - in a sense - an interim uplift to the building bye-law requirements which is applicable only to larger-scale developments. In consultation with building control officers, a 20% reduction is considered to be readily achievable by developers and unlikely to present any major challenge to delivery, if required now. Whilst the baseline position of building regulations in the UK is different to Jersey, it is also useful to note the development of the 'Future Homes Standard' is seeking a 31% reduction in carbon emissions arising from the use of buildings, and therefore, ME1 is in broad alignment with the UK direction of travel.

The Minister believes Policy ME1 to represent a fair and proportionate approach to reducing energy consumption in buildings in the short-term, and that this could naturally be increased for all development in the review and adoption of new building bye-laws.

In the absence of direction from the Carbon Neutral Roadmap, in the drafting of the plan, the Minister did not consider it appropriate at this time to apply this policy to all new buildings but is open to extending the requirement to all buildings, if there is the will to do so. The Minister notes that representations suggesting this have been made.

With regard to the concern raised that this will require significant up-front design work in the planning stage, the Minister confirms that this should not be necessary as evidence of compliance will not be required until a building bye-laws application is made, and a condition will be applied to the planning permission to secure this.

- **Policy ME2 – Passivhaus standards for affordable homes and major development outside the built-up area:** the preamble to this policy sets a clear justification as to why a specific standard that will significantly reduce energy consumption – and therefore emissions – in the development of affordable homes and homes new homes in the countryside will be beneficial not only to the occupants of those developments, but also in offsetting the carbon impact of development which might be realised in less sustainable locations across the Island.

The representations received in relation to this policy include challenges as to the basis of the Passivhaus standard being selected, the effectiveness and ease of implementation of the standard, certification challenges, viability concerns and concerns that the standard unfairly targets affordable homes.

The Minister clarifies that some of the key drivers for selecting the Passivhaus standard for this policy is that it is a well-established and internationally recognised standard which is highly effective in reducing energy consumption in buildings, and one which also has clearly defined and limited parameters for implementation. The Minister also had regard to UK precedent where this specific standard is gaining traction in local plans following confirmation by the Government in the UK that councils are able to set higher building efficiency standards locally than is mandated by Part L of their building regulations (note the Island Plan is able to establish higher building standards than the established by the building bye-laws, in Jersey) and also with affordable housing providers electing to use the standard for new developments. Key examples in the UK include Exeter City Council, Bristol City Council and Fareham Borough Council.

In respect of certification, the Minister highlights that the policy does not ask for certification; only that the development is designed to conform with the standard. Formal certification will therefore be voluntary, and the verification of conformity will be assessed in the discharge of a planning condition at the point in which a bye-laws application is submitted. The discharge of the condition will be in consultation with the assessing building control officer. Training is due to be provided to such officers in support of this approach.

The potential viability impact of this approach has been recognised, and flexibility to deal with this is provided for in the policy. This issue is explored further in the Minister's Statement Response in relation to development viability.

With regard to the standard targeting affordable homes, this reason for this is explained in the plan, and the Minister also wishes to re-iterate that the approach in the plan is intended to be both targeted and proportionate. In the absence of the Carbon Neutral Roadmap, the Minister is not in a position to reasonably apply this to all new development but reserves the future consideration of this in the subsequent Island Plan, pending the outcome of the CNR, in the same way as the position on Policy ME1.

With regard to the concern raised that this policy would require significant up-front design work in the planning stage, the Minister confirms that this should not be necessary as evidence of compliance will not be required until a building bye-laws application is made, and a condition will be applied to the planning permission to secure this.

The Minister notes the concerns raised by the island's main affordable housing provider Andium Homes (a States of Jersey owned company) as to the ability to implement this standard, the efficacy of the standard, including how the occupants might understand how to live in a Passivhaus comfortable and successfully. The Minister invited Andium to offer suggestions as to what an appropriate alternative may be, but this has not yet been provided. The Minister does however note and congratulate Andium homes in their proactive approach to engage with experienced affordable Passivhaus providers in the UK, and to pursue a pilot project - whilst the plan remains in draft – to assess cost effectiveness, feasibility and liveability. The Minister looks forward to hearing the outcome of this work.

The Minister also notes States of Jersey Development Company (SoJDC) (also a States of Jersey owned company) have indicated willingness to meet higher building standards in their developments, and also that the company have recently announced their ambition to develop a site of approximately 150 homes to be built to Passivhaus principles. The Minister would be happy to see policy ME2 also extended to homes delivered by States' owned companies, should there be the will to do so.

- **Policy ME3 – BREEAM rating for new larger-scale non-residential buildings**, the preamble to this policy provides some context as to why a standard such as BREEAM New Construction is being pursued for larger-scale non residential buildings, and the benefits such standard can bring to effect change in both local and global development impact through a change in development process, standards and choices. As with ME1 and ME2, the Minister has selected this standard on the basis of it representing a proportionate and effective approach towards the step-change needed to become carbon neutral, whilst the Carbon Neutral Roadmap does not yet exist.

The Minister clarifies that some of the key drivers for selecting the BREEAM standard for this policy is due to it being a well-established and recognised standard; one which has been successfully used on a number of large-scale developments in Jersey, including office developments in St Helier, and the States of Jersey Police Station, and also, a standard which has precedent as a planning policy requirement in a number of UK local plans.

Some comments have raised concern about BREEAM being an onerous and costly requirement on developers and in response, the Minister wishes to emphasise that the threshold of 1000sq.m of non-residential development in Jersey is high, and that aside from large commercial development in St Helier, it is not too often that the policy requirement will be triggered. Furthermore, the Minister wishes to be clear that adopting standards for carbon-conscious and responsible development practices should not be seen as onerous, but instead an industry standard which improves marketability and meets the necessary sustainability credentials for major organisations who will go on to occupy these developments.

Therefore, the Minister believes the proposed standards relating to carbon emissions in policies ME1, ME2 and ME3 to be proportionate and appropriate in light of the declaration of a climate emergency and commitment to take action to become a carbon neutral Island by 2030. Indeed, the level of aspiration in the plan is somewhat tempered to allow the development of the Carbon Neutral Roadmap take place and it is considered likely that a greater obligation will be placed upon development to achieve the necessary change.

It ought to be highlighted that the recent citizens assembly recommendations for the development of a Carbon Neutral Roadmap not only meets the level of ambition aspired to in the draft plan, but exceeds it. The Minister notes that the citizens assembly had sight of the draft Bridging Island Plan in the development of their recommendations.

Minister's recommendation

The Minister recommends that the inspector:

- considers the issue of carbon emissions arising from new development in the context of the declaration of a climate emergency in Jersey and commitment to take action to become carbon neutral by 2030
- considers the draft plan's approach to manage carbon emissions arising from new development, in a targeted and meaningful way
- considers the representations received in relation to these standards
- considers whether the proposed use of Passivhaus as a standard is appropriate with particular regard to matters such as air quality and liveability for occupants
- provides comment and/or recommendation in-light of such consideration

Minister's intention

The Minister is **not presently minded to amend** the draft plan, but reserves his position to make necessary change at a later stage, in such case where evidence is provided in the course of the examination to justify an alternative approach which will lead to a better, more effective planning outcome, in pursuance of the objective to achieve carbon neutrality.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 53 - Creation of a Marine Park

Relevant policies

Strategic Proposal 3 – Creating a marine spatial plan for Jersey

Policy NE1 – Protection and improvement of biodiversity and geodiversity

Policy NE3 – Landscape and seascape character

Summary of representations received

[P.036/2021](#) (51) Marine Park

- A marine spatial plan should be developed before 2025, and it should seek to develop a network of marine protected areas.
- Outside of, and in addition to, the proposal to develop a marine spatial plan for the island's territorial waters, a national marine park should be designated the primary purpose of which should be to regulate fishing activity.
- Greater weight and emphasis should be given to the protection of areas of the highest marine biodiversity, outside of already designated areas, in Jersey's waters up to approximately 20m in depth.
- The Coastal National Park should be extended to include high value marine habitats, which would embrace 900sqkm or over 30% of Jersey's territorial waters.

Minister's comments

The Minister recognises and supports the need to develop a marine spatial plan for Jersey's territorial waters as soon as possible; and is also supportive of the objective of developing a sustainable fishery in Jersey's waters. It is important to recognise, however, that any change to the regulation of fishing activity in Jersey's waters also has an international dimension and needs to be considered relative to the [Trade and Cooperation Agreement between UK and EU – CP 426](#).

The development of a marine spatial plan – which addresses all activities that happen in the marine environment, including fishing and aquaculture, renewable energy, shipping, leisure, as well as planning for development – is considered to be the best way to develop an integrated policy framework for Jersey's marine environment. This would need to involve and engage all stakeholders with an interest in these areas, including local and French fishers who currently enjoy access to the island's waters.

Proposing the creation or designation of a marine park or proposing to further extend the Coastal National Park to embrace areas of high value marine habitats in the Island Plan will not serve to protect valuable and sensitive marine habitats from destructive fishing practices.

Fishing practices do not constitute development and cannot, therefore, be regulated by the planning system, and policy about them cannot be affected through the Island Plan, which is a development plan.

Potentially destructive fishing practices can only be regulated through sea fisheries legislation. This legislation can be used to define areas where potentially destructive fishing practices can be controlled or prohibited and these areas can be recognised internationally. This already happens in

Jersey's waters in three existing marine protected areas (MPAs), covering an area of around 150 sqkm, where such practices are prohibited under sea fisheries law at:

- Les Minquiers;
- Les Écréhous; and
- Inshore waters (clockwise between St Brelade's Bay and Gronez).

These areas were identified in order to protect valuable marine habitats, such as seagrass, maerl and kelp.

Marine protected areas are essentially designated under the OSPAR convention and given effect through local fisheries legislation. OSPAR is the mechanism by which 15 Governments and the EU cooperate to protect the marine environment in the North-East Atlantic.

Both the process of designating MPAs; and the regulation of activities within them, clearly sits outwith the scope of the Island Plan, the purpose of which is prescribed by the Planning and Building (Jersey) Law, and is clearly focused on the regulation of development activity:

*to ensure that when land is **developed** the development is in accordance with a **development plan** that provides for the orderly, comprehensive and sustainable development of land in a manner that best serves the interests of the community;*

Minister's recommendation

The Minister for the Environment recommends the planning inspector considers the issues raised by these representations in order to determine whether it can be appropriately dealt with through the planning system and the Island Plan, or whether it is most appropriately dealt with by other established regulatory regimes, following the development of a marine spatial plan.

Minister's intention

The Minister for the Environment is **not** currently minded to accept the proposed amendment save for part 1 (a) and (b), which would result in the following change (in red).

Strategic Proposal 3 – Creating a marine spatial plan for Jersey

The Minister for the Environment will undertake further work to develop a Marine Spatial Plan **before 2025** to organise human and marine resources and activities in Jersey's territorial waters and, **in particular, to develop a network of marine protected areas which will** be consistent with overall environmental, economic and social objectives.

This work will inform the policies of the next iteration of the Island Plan and support coordinated policy development and decision-making on all aspects affecting the marine environment.

Analysis

The proposed amendment has been analysed, in detail, as below, relative to the different parts of the proposed amendment.

Part 1. (a)-(c)

For ease of reference, the proposed changes sought by this part of the amendment are highlighted in red.

Strategic Proposal 3 – Creating a marine spatial plan for Jersey

The Minister for the Environment will undertake further work to develop a Marine Spatial Plan (a) before 2025 to organise human and marine resources and activities in Jersey's territorial waters and, (b) in particular, to develop a network of marine protected areas which will be consistent with overall environmental, economic and social objectives.

(c) In addition to the Marine Spatial Planning process, Jersey's existing designated areas (Ramsar sites and Marine Protected Areas), as well as known areas of high-biodiversity and carbon value, extending approximately down to the 20m depth contour, should be protected via the designation of a national marine park. Such an area will be expected to cover approximately 900km², over 30% of Jersey's territorial waters, and its designation will protect the area against inappropriate development and damaging activities.

This work will inform the policies of the next iteration of the Island Plan and support coordinated policy development and decision-making on all aspects affecting the marine environment.

Parts 1. (a) and (b)

These Minister is minded to support parts (a) and (b) of the amendment on the basis that:

- adding a timescale to this strategic proposal is helpful, and helps to focus the need to progress this work before the next IPR;
- highlighting the potential to develop further marine protected areas is considered to be appropriate relative to environmental objectives, although this needs to be considered through the plan-making process, balanced against social and economic objectives.

Part 1. (c)

The Minister is **not minded** to support part (c) of the amendment.

This part of the amendment seeks to designate a national marine park outside of the marine spatial planning process, where its principal purpose, as set out in the accompanying report, is to regulate fishing activity.

This cannot be achieved through the planning process or the Island Plan. It can and should be addressed through either the marine spatial plan process, as proposed by the draft Island Plan; or separately through changes to sea fisheries legislation. Both of these processes would also ensure that the international dimension of this issue, related to the Trade and Cooperation Agreement between UK and EU, is given consideration.

The value of doing this through the marine spatial planning process is that there would be a clear process of consultation and engagement involving all key stakeholders with an interest in the marine environment, where issues of integration and overlap between different marine activities could be comprehensively and robustly considered.

The proposed amendment seeks to define an area for a marine park when the spatial extent of any are to be designated in the marine environment should be based on a robust assessment of evidence and impact.

Simply seeking to change fisheries legislation would not, of itself, require broader consideration across the various interests at play in the marine environment. Securing international designation of marine protected areas would, however, require a demonstration of the need for protection, the creation of a management framework and assessing any potential socioeconomic impact. This process is essential to fulfil OSPAR's requirements under Annex V but, more generally, to ensure

that any protection is justifiable and meaningful both from a conservation point of view but also so that any adverse socioeconomic impact(s) may be justified.

As a consequence of this complexity, it is considered that these issues are best addressed as part of a marine spatial planning process.

Parts 2. (a)-(b)

The Minister is **not minded** to support part 2(a)-(b) of the amendment.

For ease of reference, the proposed changes sought by this part of the amendment are highlighted in red.

Policy NE1 – Protection and improvement of biodiversity and geodiversity

Development must protect or improve biodiversity and geodiversity.

All development must ensure (a) ~~that~~ the ~~importance~~ **protection** of habitats, designated sites and species is taken into account and should seek to improve biodiversity and geodiversity value and, where possible, to deliver biodiversity net gain.

The highest level of protection will be given to sites of special interest; marine protected areas and Ramsar sites (b) **and areas of the highest terrestrial and marine biodiversity, the latter extending approximately to the 20m depth contour.**

Applicants will need to demonstrate that a proposal will neither directly nor indirectly; singularly or cumulatively; cause harm to biodiversity or geodiversity value.

Proposals that could affect biodiversity or geodiversity, but which do not protect or improve it, will not be supported unless, and with regard to its status and environmental value, and the impact of the proposed development on that status and environmental value:

- a. the changes are demonstrably necessary either to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. harm is reduced to the minimum through appropriate avoidance, minimisation, mitigation and/or compensation measures; or
- d. it has been demonstrated that the predicted public benefit outweighs the harm.

Where development proposals may lead to an impact on biodiversity and geodiversity they must be accompanied by adequate information which demonstrates how biodiversity and geodiversity will be protected, and adverse impact avoided, minimised, mitigated or compensated for. Where the supporting information is insufficient to demonstrate the above, applications will not be supported.

Part 2. (a)

The proposed amendment, at part 2(a), is unnecessary because the protection of habitats, designated sites and species is already provided by the first part of the policy which requires that

'development must protect or improve biodiversity, where biodiversity embraces habitats, designated sites and species.

The second provision of the policy, as currently drafted, requires that the relative importance and value of habitats, designated sites and species is taken into account in decision-making that affects it.

Part 2. (b)

Sites of special interest, designated under Article 51 of the Planning and Building (Jersey) Law because of their special ecological (amongst other) interests; Marine protected areas are essentially designated under the OSPAR convention because of their high marine biodiversity value; and Ramsar sites are wetlands of international importance that have been designated under the criteria of the Ramsar Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological diversity. On this basis, Policy NE1 affords the highest level of protection to the areas of the island's highest terrestrial and marine biodiversity already.

It is not clear how the amended policy would work in practice, as the 'other' areas of highest terrestrial biodiversity value are not defined by the proposed amendment, so it is not clear to what other terrestrial parts of the island they would apply.

The amendment does not provide any evidence to support the contention that the highest marine biodiversity is contained in all areas of the island's surrounding waters that are up to 20m in depth and the choice of the 20 metre isobath is considered to be arbitrary. Whilst this will certainly encompass key marine habitats it will also likely encompass areas that are species poor or where there are mobile sands. Whilst historic data and desktop modelling has been so far used to identify key habitats, this work has yet to be verified by survey data, which will not be available until 2022.

It is relevant to note that the draft Island Plan requires, at Policy NE1, that any impact on biodiversity is a material consideration, and developers are required to demonstrate the impact of development upon biodiversity, which must, of itself, include an assessment of its nature and value. The draft plan, at p.105, identifies work that has been undertaken high value marine habitats.

Part 3. (a)-(f)

The Minister is **not minded to support part 3(a)-(f)** of the amendment.

For ease of reference, the proposed changes sought by this part of the amendment are highlighted in red.

Policy NE3 – Landscape and seascape character

Development must protect or improve landscape and seascape character.

The highest level of protection will be given to the Coastal National Park, and its setting including high value marine habitats, and development within ~~it~~ these areas should protect or improve ~~its~~ their special qualities and be compatible with the purposes of the park and marine areas including:

- a. the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the park **and marine areas**, and
- b. the public understanding and enjoyment of **its** **their** special qualities^{Error! Bookmark not defined.}.

Applicants will need to demonstrate that a proposal will neither directly nor indirectly, singularly or cumulatively, cause harm to Jersey's landscape and seascape character and will protect or improve the distinctive character, quality, and sensitivity of the landscape and seascape character area or coastal unit as identified in the Integrated Landscape and Seascape Assessment.

Proposals that could affect the island's landscape and seascape character, but which do not protect or improve it, will not be supported unless, and with regard to the special qualities of the landscape and seascape character area or coastal unit, and the impact of the proposed development on those qualities:

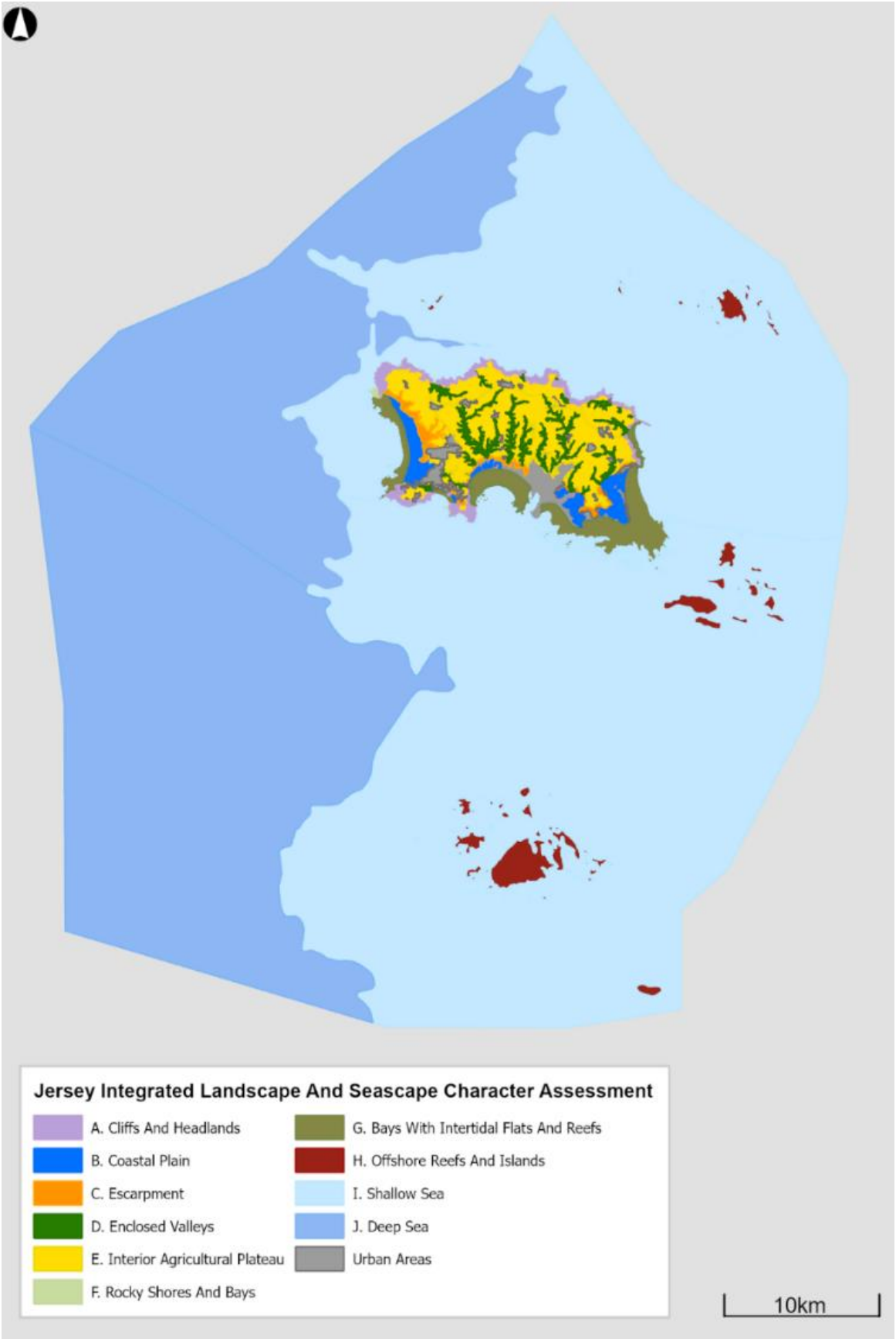
- a. the changes are demonstrably necessary either to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of delivering those proposals without harm to landscape and seascape character; and
- c. that harm has been avoided, mitigated and reduced as far as reasonably practicable; or
- d. it has been demonstrated that the predicted public benefit outweighs the harm to the landscape and seascape character.

Proposals which result in the improvement of landscape and seascape character will be supported.

Where development proposals impact upon landscape or seascape character, even where they might not be situated within a landscape or seascape character area (including a location within the built-up area) they must be accompanied by adequate information which sets out how the proposal protects or improves landscape and seascape character. Where the supporting information is insufficient to demonstrate the above, applications will not be supported.

This part of the proposed amendment essentially seeks to significantly increase the size of the Coastal National Park by seeking to extend the application of Policy NE3 to a wider spital area, in order to afford it greater protection.

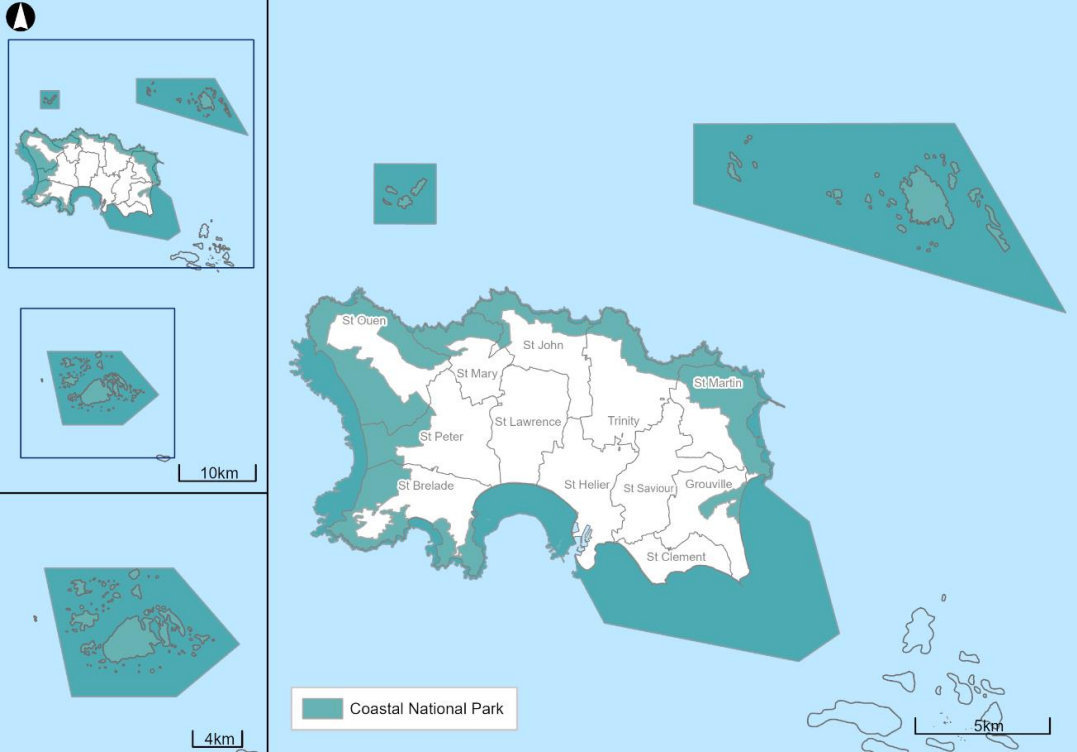
Policy NE3 is essentially about the protection of landscape and seascape character and the policy already requires that the impact of development upon the seascape character, as defined in the Integrated Landscape and Seascape Character Appraisal (ILSCA) which is an explicit requirement of the policy (see attached plan, showing character areas which cover the marine environment, where impact of development on seascape character needs to be considered).



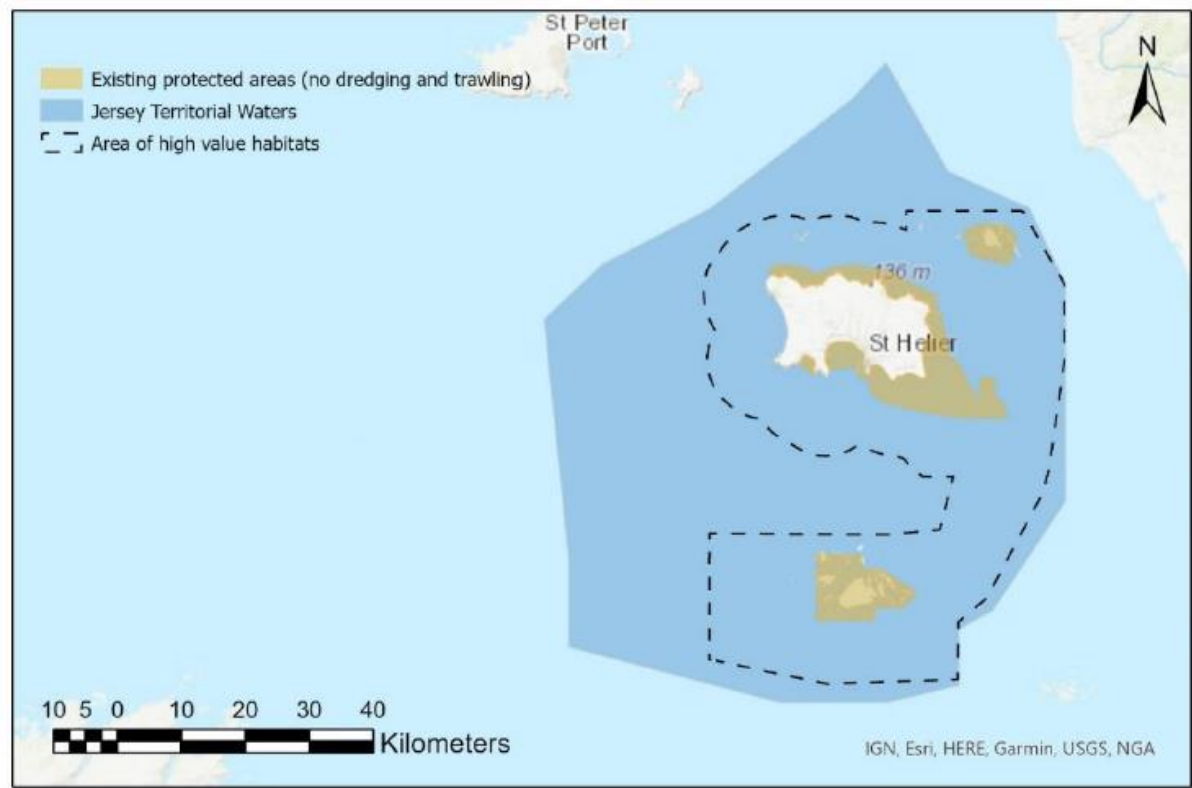
ILSCA extract showing character areas embracing all of Jersey’s territorial waters

This proposed amendment would result in a significant increase in the scale of the proposed Coastal National Park.

Proposed CNP (draft Island Plan)



Proposed amendment to the CNP (amendment 51) – dotted line



Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 54 - Rural economy – medicinal cannabis

Relevant policies

Strategic Policy SP6 – Sustainable island economy

Policy PL5 – Countryside, coast and marine environment

Policy GD1 – Managing the health and wellbeing impact of new development

EI1 – Existing and new industrial sites and premises

ERE2 – Diversification of the rural economy

ERE5 – New or extended agricultural buildings

Policy ERE1 – Protection of agricultural land

Summary of representation received

- concern about policy gap in relation to development for medicinal cannabis.
- the dBIP should include particular policy provision for protection of residential amenity in particular from impacts resulting from development for medicinal cannabis

Minister's comments

The Minister for the Environment is aware that the operational requirements of the growers of medicinal cannabis may be different from that of traditional agriculturalists. However, each case for new or extended facilities relating to the growing or processing of medicinal cannabis will be regarded on its own merits in light of the policy framework of the Island Plan.

The draft Island Plan includes policies to guide the assessment of agricultural development, industrial development and other development within the countryside and coast.

Proposals will be thoroughly assessed within the context of the planning application process and within the context of policy GD1 – managing the health and wellbeing of new development. This is a comprehensive policy which applies to all forms of development that require planning permission, across the island and seeks to ensure that the impact of development upon neighbouring uses is a key consideration.

Where proposals do not comply with the requirements of the policy framework, they will not be supported.

Minister's recommendation

The Minister for the Environment recommends that the inspector notes the comments made relative to the issue raised.

Minister's intention

The Minister for the Environment is **not minded** to change the policy framework as proposed in the draft bridging Island Plan.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 55 - Waste and water - La Gigoulande Quarry

Relevant policies

Strategic Policy SP6 – Sustainable island economy

Policy PL5 – Countryside, coast and marine environment

Policy MW2 – Safeguarded inert waste management or disposal sites

Summary of representations received

- La Gigoulande Quarry should not be designated as an inert waste management / disposal site owing to the generation of significant commercial traffic, primarily large vehicles on the local road and lane network.
- La Gigoulande Quarry should be designated as a future water reservoir site.

Minister's comments

Inert waste disposal

The Island Plan designates a small number of inert waste management or disposal sites which will be safeguarded through the policy regime from any new developments that may adversely affect the operation or capacity of those sites. The restoration of sites, once operations have ceased, will also be guided by these policies.

The draft Plan designates La Gigoulande Quarry as a safeguarded inert waste management or disposal site as it already benefits from a full planning permission¹ for the management and disposal of inert waste. The planning permission was granted in recognition of the expectation that once the disposal facility at La Collette has reached capacity for accepting waste, La Gigoulande Quarry will become the island's prime disposal route for inert waste.

The option of using the quarry for inert waste disposal or for water storage was considered by Arups in their Minerals, Waste and Water Study², as part of the scenario planning for informing an integrated solution to the island's minerals, waste and water strategy. The study concluded that:

"On balance, the future of La Gigoulande Quarry as an integrated minerals and waste asset (including extension of extraction to Field 966), rather than as an additional reservoir, better meets the island's needs. There are a number of reasons for this, including:

- *The existing permission at La Gigoulande which supports inert waste management uses.*
- *There are other interventions which meet future water demand without requiring La Gigoulande to be used as a reservoir (and potentially in a more cost-effective manner). Whilst there still might be a case for using La Gigoulande for water management, an integrated view suggests it would better serve the island in a different use...*

¹ P/2012/0121

² [Minerals Waste and Water Study](#)

- *Such a solution could be put in place relatively quickly, helping to resolve the imminent capacity issues at La Collette. Additional measures such as extraction of high value materials and temporary super-filling at La Collette would help to extend its lifespan to allow the solution to be established.” [Extract: page 115 of study]*

The Minister considers that, in light of the findings of the Arup study and the extant planning permission for the establishment of an inert waste site, La Gigoulande Quarry is appropriately designated as a safeguarded inert waste management and disposal site.

Water storage

Please refer to SR 62: Minerals: Zoning of Field MY966 and La Gigoulande Quarry Safeguarded mineral area.

Minister's recommendation

The Minister recommends that the planning inspector considers the issues raised through the consultation, having particular regard to the conclusions of the Arup study and the extant planning permission for the quarry.

Minister's intention

The Minister for the Environment is **not minded** to change the designation and policy framework as proposed in the draft bridging Island Plan.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 56 - Economy - Industrial land (Policy EI1) - Rezoning of specific sites as protected industrial sites

Relevant policies

Strategic Policy SP6 – Sustainable island economy

Policy PL5 – Countryside, coast and marine environment

EI1 – Existing and new industrial sites and premises

ERE2 – Diversification of the rural economy

ERE4 – Reuse of modern farm buildings

Summary of representations received

Several representations, including a States' Member [Amendment \(38\)](#) have been received in response to the consultation exercise raising general concerns about the lack of affordable industrial and warehousing land across the island.

One representation requested that the Island Plan zones a site specifically for a building supply company¹.

Requests, including Amendment 38, have also been received for consideration of specific sites to be re-zoned as protected industrial sites, including;

- Bienvenue Farm, La Grande Route de St Laurent, St Lawrence (Amendment 38)
- La Solitude Farm, La Rue de la Solitude, St Martin
- Rondel Farm, La Rue du Haut de L'Orme Trinity
- Field 380, La Rue a la Dame, St Saviour
- Fields B26 and B27, La Route des Quennevais, St Brelade

Minister's general comments

A key purpose of the Island Plan is to facilitate the growth of Jersey's economy. This is achieved through a variety of mechanisms such as supporting key economic sectors, ensuring suitable land is available for different types of employment development and supporting skills and training needs.

Prior to the Covid-19 pandemic, Jersey's economy was continuing to grow, typically averaging between 1 to 2% per annum. This is supported by the analysis undertaken by Jersey's Fiscal Policy Panel Advice for the 2020-2023 Government Plan (March 2019)² that identified a growth in gross valued added (GVA) of 0.4% in real terms in 2017. This marked a fourth year of recovery from an

¹ [Response 1043368890 to Draft bridging Island Plan consultation](#)

² [Fiscal Policy Panel Advice for 2020-23 Government Plan](#)

extended economic downturn after 2007, which left GVA 9% below its 2007 level and 9.5% below its 2000 level.

Uncertainty about the impact of Brexit, twinned with the effect of Covid-19 has, however, led to a subdued economic outlook for Jersey in the short term. The economic assumptions for August 2020 included downward revisions for real GVA and a forecasted reduction in employment by 1.6%³. The nature of this economic outlook may mean that there is a suppression in consumer and investor confidence, and subsequently a subdued demand for new or additional employment land floorspace or premises in the island. Whilst all sectors are experiencing challenges, the Business Tendency Survey for 2020⁴ highlighted that for construction, retail and hospitality sectors these challenges are more pronounced.

The current uncertainty about demand presents a particular challenge for the preparation of the Island Plan in seeking to establish a basis upon which to develop a planning policy framework to support the island's economy over the plan period of the Island Plan. Part of the response to this challenge is to prepare a shorter-term Island Plan, which can respond to more immediate issues where they are known, whilst seeking to enable a more considered response to the implications of the current uncertainty as the effects of change become apparent.

To further support the Island Plan Review in this respect, the Government of Jersey commissioned Arup to produce an Employment Study⁵. The study provides an overview of the island's existing economic and employment performance and associated land use requirements. It also seeks to understand future likely demand for employment floorspace/land over the short-term period of the bridging Island Plan, as well as identifying other policy responses or mechanisms that should be considered in preparing the plan to support Jersey's economy, including its post-Covid-19 recovery.

The study focuses on those economic sectors which make a significant contribution to Jersey's economy and which have specific or significant land use needs, and thus addresses four key employment land uses including:

- visitor accommodation;
- retail and other town centre uses;
- offices; and
- light industrial land.

The study comprises a number of distinct parts, but critically, for each type of employment land use it assesses a range of land use 'futures' which might occur over the lifetime of the plan and sets out a series of recommendations about the how the bridging Island Plan might respond to them. This includes broader planning policy considerations, but also sets out a series of recommendations related to the potential requirements for future land and development opportunities to support each particular sector.

In respect of the light industrial / warehousing sector, the critical spatial land-use considerations can be summarised as follows:

³ [Economic assumptions](#)

⁴ [Business Tendency Survey](#)

⁵ [Employment Study](#)

- seek to protect and intensify, where appropriate, use of existing industrial sites;
- in the longer term, look to support new industrial space at strategic locations, such as the ports and La Collette; and
- any development in the short-term should focus on existing sites or allow their extensions in the built-up area. Restrict industrial development in the countryside to only those uses that cannot be accommodated elsewhere.

The Minister considers that the policy framework of the draft Plan and in particular, policies PL5, EI1 and ERE4, offers a degree of flexibility that will support new industrial or warehousing development where appropriate. These policies are expected to allow the demand for new or extended premises to be met during the bridging Island Plan period. The Minister does not consider that it is necessary to introduce any new policies relating to industrial land supply or to allocate any new sites as protected industrial sites or for the specific needs of an existing company.

The situation will be monitored over the life of the plan.

Site specific

Bienvenue Farm

States Member Amendment 38 has been made which seeks to rezone land and buildings at Bienvenue Farm, from green zone to protected industrial site. The amendment also proposes that Policy EI1 be amended to make explicit that development at Bienvenue Farm and adjacent land be supported for the purposes of warehousing and storage, or where it would complement and support an existing rural business; or enables a new business that has the potential to make a significant contribution to the rural economy.

The proposition is supported by a representation on behalf of the land-owner⁶.

Minister's comments; Bienvenue Farm

The site is within the green zone and developed to a significant extent with a variety of large, modern sheds and polytunnels constructed to serve the agricultural sector, primarily poultry. Some agricultural activity still takes place on the farm.

The adjacent land is designated as a Protected Industrial Site (Thistle Grove) and the site the subject of this submission relates to it well in terms of proximity and access.

However, whilst the site offers the potential expansion of the existing commercial complex, there is no clear justification at this time for the release of any such land, relative to local demand.

Moreover, the location of this particular site, in a rural setting does not accord with the plan's spatial strategy and sequential test where preference would be given to sites of strategic significance that are well-located relative to the ports and the primary and secondary centres.

The designation of an enlarged protected industrial site, encompassing Thistle Grove, Bienvenue Farm and any other adjacent agricultural sheds and poly-tunnels would result in a site of considerable size; remote from the primary and secondary centres and with limited opportunities to encourage modes of sustainable transport to and from the site.

⁶ [Response 65398054 to Draft bridging Island Plan consultation](#)

Any further intensification of existing and authorised commercial use would be assessed against the relevant policies of the plan.

The Minister does not support the proposed rezoning of Bienvenue Farm as a protected industrial site.

La Solitude Farm

A representation has been submitted on behalf of the land-owner⁷ which states that:

"La Solitude has been in employment use for many years and is seeking to continue as an employment site. La Solitude is a busy employment site, providing the location for a number of businesses. In the absence of other employment land being rezoned the need for its continued use to support the island's economy is paramount".

Minister's comments: La Solitude Farm

The site is, currently, within the green zone but is zoned as part of the Coastal National Park in the draft Plan. The re-zoning reflects the underlying landscape and coastal character, as detailed in the [Jersey Integrated Landscape and Seascape Character Assessment](#) and is explained in further detail in the Minister's Statement Response regarding the Coastal National Park.

The site is occupied by a number of large sheds, originally constructed for the agricultural sector. There are several commercial concerns operating out of the site, including car sales and professional catering suppliers.

The policies of the draft Plan, in particular EI1, offers support for proposals for the development of new or the redevelopment, renewal, or intensification of existing light industrial uses and buildings outside the built-up area where they support rural diversification; or make use of existing buildings.

The Minister considers that there is sufficient flexibility within the plan to allow for sites such as La Solitude Farm to continue in commercial operation, with the potential to adapt to changing business trends and operator needs. However, the location of the site in a rural setting, accessed via relatively narrow country lanes does not accord with the plan's spatial strategy and sequential test where preference would be given to sites of strategic significance that are well-located relative to the ports and the primary and secondary centres. Furthermore, the site has limited opportunities to encourage modes of sustainable transport to and from the site.

Any further intensification of existing and authorised commercial use would be assessed against the relevant policies of the plan.

The Minister does not support the proposed rezoning of La Solitude Farm as a protected industrial site.

Rondel Farm

A representation has been submitted on behalf of the land-owner⁸ which states that:

⁷ [Response 184393128 to Draft bridging Island Plan consultation](#)

⁸ [Response 539053852 to Draft bridging Island Plan consultation](#)

"The owners of Rondel Farm feel very strongly that the site merits being either rezoned or more favourable policy terms being given to allow more flexibility about commercial / employment uses; given that the site already has approved commercial uses taking place and there is land located immediately adjacent in commercial use, and such use can be accommodated without unacceptable harm to the character of the surrounding area and could deliver environmental improvements through an appropriately designed scheme".

Minister's comments: Rondel Farm

The site is within the green zone and occupied by a number of large sheds and poly-tunnels, originally constructed for the agricultural sector. There are several commercial concerns operating out of the site, including retail, warehousing as well as some remaining agricultural use.

The policies of the draft Plan, in particular EI1, offers support for proposals for the development of new or the redevelopment, renewal, or intensification of existing light industrial uses and buildings outside the built-up area where they support rural diversification; or make use of existing buildings.

The Minister considers that there is sufficient flexibility within the plan to allow for sites such as Rondel Farm to continue in commercial operation, with the potential to adapt to changing business trends and operator needs. However, the location of the site in a rural setting, accessed via relatively narrow country lanes does not accord with the plan's spatial strategy and sequential test where preference would be given to sites of strategic significance that are well-located relative to the ports and the primary and secondary centres. Furthermore, the site has limited opportunities to encourage modes of sustainable transport to and from the site.

Any further intensification of existing and authorised commercial use would be assessed against the relevant policies of the plan.

The Minister does not support the proposed rezoning of Rondel Farm as a protected industrial site.

Field 380, La Rue a la Dame, St Saviour

A representation has been submitted on behalf of the land-owner⁹ requesting that the site be rezoned from green zone to a site for light industrial use, given *"...its location next to a commercial area including Normans, Jersey Telecom Engineering, Jersey Hospital Services and former JEP site [Jersey Evening Post] recently granted planning permission for light industrial and self-storage uses".*

This green zone site is just over 0.5 ha in extent and whilst it abuts the light industrial use of land at Five Oaks, the site is not within the built-up area.

Minister's comments; Field 380, La Rue a la Dame

The site is open and undeveloped land and presents a green buffer between the industrial land to the south-east and residential development to the south-west and the more open countryside to the north. The development of Field S380 for light industrial or warehousing purposes would

⁹ [Response 853108104 to Draft bridging Island Plan consultation](#)

represent a clear and significant encroachment into the open countryside, thereby harming the local landscape character.

Furthermore, the location of the site in a relatively rural setting does not accord with the plan's spatial strategy and sequential test where preference would be given to sites of strategic significance that are well-located relative to the ports and the primary and secondary centres. The site has limited opportunities to encourage modes of sustainable transport to and from the site.

The Minister does not support the proposed rezoning of Field S380 as a site suitable for industrial development.

Fields B26 and B27, La Route des Quennevais, St Brelade

This land, comprising two fields, lies immediately to the south of Jersey Airport outside the airport operational boundary, and is the subject of a proposal to designate the site for light industrial purposes to facilitate the delivery of a vehicle inspection centre¹⁰.

Minister's comments; Fields B26 and B27, La Route des Quennevais,

The site is within the green zone and forms part of the strategic visual gap on open countryside that separates the southern airport boundary and the site of the new Les Quennevais School. This area has been the subject of recent intensification of development during the current plan period, represented by the development of the Airport Cargo Centre, the redevelopment of the airport garage, and the extensive development of the Les Quennevais School site. In this respect, the retention of the remaining green buffer assumes a greater significance. Any potential release of this site for development would need to have objectively considered this issue and dealt with any mitigation, where appropriate.

The site is also potentially constrained by the existence of the hazard presented by the fuel storage facility along the southern boundary of the airport.

Whilst acknowledging that this site is well-connected to the primary route network and would sit within an area of semi-industrial development to the north and east, there is considered to be a need to demonstrate that an appropriate site assessment process has been undertaken. No evidence has been provided as to the work undertaken to assess whether or not there are other potential sites available to accommodate such a facility within either a built-up area or previously developed site elsewhere in the island, which must be first a consideration before the re-designation of green zone land is considered.

Whilst the Minister acknowledges that this proposal is linked to a specific timeframe, it is relevant to note that the draft plan sets out a proposal to undertake the development of both a west of island planning framework; and the development of an infrastructure roadmap, which seeks to explore the long-term development opportunities for La Collette, both of which would afford a more comprehensive opportunity to consider the potential opportunity for other locations for such a facility.

¹⁰ [Response 357781773 to Draft bridging Island Plan consultation](#)

On the basis of the above, the Minister feels unable to offer support for the use of Fields B26 and B27 at this time.

Minister's recommendation

The Minister recommends that the Inspector considers the proposed amendment, together with the findings of the [Employment land: sites assessment](#) and the Minister's comments as stated above.

Minister's intention

The Minister for the Environment is **not minded** to support amendment 38 and is, further, not minded to change the site designations and policy framework as proposed in the draft bridging Island Plan.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 57 - Policy ERE3 - Traditional farm buildings

Relevant policies

Policy ERE3 – Conversion or re-use of traditional farm buildings

Summary of representations received

P.036/2021 (28) Traditional farm buildings

- there may well be instances where traditional farm buildings are unable to be maintained within agricultural use and so it is preferable that they are restored in line with their heritage value in order to be put to other uses;
- where such an alternative use is permitted, this use should only be for the traditional farm buildings themselves and should not be for surrounding agricultural land, which should remain in agricultural use irrespective of the new use for the farm buildings.

Minister's comments

Whilst the Minister supports the intent of this amendment, any proposal that involves the change of use of surrounding agricultural land would, of itself, require planning permission and would already be subject to the policy provisions of:

- **Policy ERE1: Protection of agricultural land**, which sets a policy framework for the assessment of proposals to change the use of agricultural land;
- **Policy H8: Housing outside the built-up area**, which sets a presumption against the extension of the boundaries of existing or new residential development into agricultural or open undeveloped land in the green zone or Coastal National Park.

Minister's recommendation

The Minister for the Environment recommends the planning inspector notes the Minister's comments.

Minister's intention

The Minister for the Environment is **not minded to accept amendment 28** and the changes which would arise as a consequence of this proposed amendment (shown in red).

Policy ERE3 – Conversion or re-use of traditional farm buildings

Proposals to convert or re-use traditional farm buildings for other employment uses will be supported where it is proven that the building is no longer required for agriculture.

Proposals for employment uses which support the diversification of the rural economy will be encouraged.

Proposals to convert or re-use traditional farm buildings for non-employment use, such as the provision of residential accommodation, will only be supported where no alternative employment use is appropriate or viable.

In all cases conversion will only be supported where the building is of a sound and substantial construction and is capable of conversion without extensive alteration, extension or re-building,

and without adversely affecting the character or appearance of the building or changing or affecting the employment use or the nature of surrounding agricultural land.

Development proposals for the re-use of traditional farm buildings in the countryside must be accompanied by adequate information which demonstrates the redundancy of the building to the holding and the industry; and describes the nature of the building and its appropriateness and capability for re-use and adaptation. Where the supporting information is insufficient, proposals will not be supported.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 58 - Policy ERE8 - Aquaculture

Relevant policies

Policy ERE8 – Fishing and aquaculture

Summary of representations received

[P.036/2021](#) (37) Aquaculture

- whilst the plan already makes provision for aquaculture in the Royal Bay of Grouville aquaculture box, it should make provision for further expansion, where evidence of need can be demonstrated, and where it does not harm biodiversity value.

Minister's comments

The significance of the island's aquaculture industry is recognised and supported by the draft plan, where a supportive policy regime is provided in the Royal Bay of Grouville aquaculture box. Currently licensed concessions occupy about 70 hectares of the 224 hectares of this designated intertidal aquaculture zone and there is, therefore, capacity for new entrants and scope for expansion on existing concessions through enhanced management (e.g. increasing sack or table density). The containment of future aquaculture activity within the 'Grouville box' is designed to assist the industry (by reducing the burden of securing new planning consents and other administration) but also to prevent the piecemeal expansion of aquaculture into other parts of the coast. Since the creation of the box in 2017 three intertidal concessions, including two that were in areas deemed ecologically sensitive, have been decommissioned.

It is not envisaged that there will be demand for the development of further aquaculture activities that cannot be met within the Royal Bay of Grouville aquaculture box during the plan period.

As a consequence, the draft plan seeks to focus this form of development activity in Grouville and sets a policy presumption against the provisions of facilities elsewhere within the island's inter- or sub-tidal zone. The pre-ambles to the policy requires that any proposals outside of this area would need to be supported by an environmental impact assessment and a clear justification of need.

The proposed amendment seeks to shift the emphasis of the policy presumption against aquaculture development outside of the Royal Bay of Grouville aquaculture to one of conditional support, the effect of which is not considered to alter the policy intent.

Minister's recommendation

The Minister for the Environment recommends the planning inspector notes the Minister's comments.

Minister's intention

The Minister for the Environment is **minded to accept** the proposed amendment, which would result in the following change (in red).

Policy ERE8 – Fishing and aquaculture

Proposals to provide facilities and infrastructure which are essential for the fishing industry will be supported within the operational port of St Helier.

Proposals to provide new or extended landside facilities outside the built-up area to support the aquaculture industry will be considered as if they were proposals for agriculture

Proposals for new or extended aquaculture facilities outside the built-up area must be accompanied by a business plan which justifies the location of the development; and demonstrates its contribution to the rural economy. This will need to demonstrate why existing premises or buildings in the locality are unsuited to the proposed use(s). Where the supporting information is insufficient proposals will not be supported.

The aquaculture box in the Royal Bay of Grouville will be safeguarded from other forms of development which might harm the viability and integrity of this area for the purposes of aquaculture. The development of new, or the extension of existing, aquaculture infrastructure in the Royal Bay of Grouville aquaculture box will be supported.

The development of new, or the extension of existing, aquaculture infrastructure in other parts of the inter- or sub-tidal zone will ~~not be supported~~ only be supported where:

- it is required to meet a proven need, which cannot be met elsewhere; and
- it would not harm marine biodiversity value.

Draft Bridging Island Plan Consultation

Minister for the Environment - Statement response

SR 59 - Policy EV1 - Visitor accommodation

Relevant Policies:

Policy EV1 – Visitor accommodation

Summary of representations received

- a small number of representations have been received which, whilst not directly related to the issue of visitor accommodation, have raised the need for the Island Plan to provide some form of protection or safeguarding of the island's tourism industry, particularly in those parts of the island that have a distinct role in the industry. This is generally focused where there is provision of visitor accommodation and other tourist facilities.
- concern has been expressed that the demand for residential accommodation is serving to erode the island's stock of tourism infrastructure. In St Brelade's Bay this is particularly focused on the loss of what might be considered to be tourism support facilities, including daytime and evening economy uses, such as cafés, restaurants, bars, but all elements of land use associated with the industry are subject to development pressure.
- whilst a long-term trend, concern has been raised since the publication of the draft plan about the number of hotel sites that are now the subject of proposals for redevelopment (see: [FOCUS: Jersey's hotel dilemma... build or protect? | Bailiwick Express](#))

Minister's comment

The tourism and business travel sector has been significantly affected by the Covid-19 pandemic as a result of travel restrictions. There is a high level of uncertainty for the sector's prospects and the Minister is concerned to ensure that the bridging Island Plan provides an appropriate policy response over the short-term bridging plan period to maintain the industry and to help it recover.

In addition to its economic function, the presence and functioning of a tourism industry in the island contributes to a range of services and facilities that are also enjoyed by islanders, including the availability of air and sea connections and the hospitality offer.

During the preparation of the draft Island Plan, consideration was given to the potential policy response to help best support the industry, having regard to both the longer-term changes and demands of tourism and the effects of the pandemic. The Employment Study (2020) recommended that the draft plan might seek to protect visitor accommodation, particularly existing hotels, from any further losses. It is evident that there has been a long-term restructuring of the industry in the island, manifest in the reduction of tourist bed stock particularly in the lower grade accommodation, and new investment in higher grade accommodation and facilities. The release of hotel bed stock has presented a number of

redevelopment opportunities to enable the provision of residential accommodation, which has helped ensure a supply of homes during the current plan period.

Following consultation with ministers, and specifically those with responsibility for Economic Development, Tourism, Sport and Culture, it was considered that the existing policy regime for visitor accommodation, as provided in the current Island Plan, should be maintained in the draft plan. This policy regime (set out at Policy E1: Protection of employment land) exempts any proposals for a change of use away from visitor accommodation from a test of market demand. The intention to require a market test prior to a change of use for visitor accommodation was not considered to be in the strategic economic interest of the island, and that the risk of any structural land use barriers emerging in these sectors over the bridging plan was not sufficient to warrant such a test.

In light of the issues raised during consultation and the level of development activity that is currently focused on hotel sites, however, the Minister for the Environment wishes to explore the potential for amendment to the draft plan to ensure that some form of qualified protection is provided to those elements of tourism infrastructure where they exist in those parts of the island that are most critical to Jersey's tourism industry.

The draft plan already identifies and defines tourist destination areas, at St Brelade's Bay, St Aubin, St Helier and Gorey. In addition to this, the Minister would wish to ensure that some regard is had to any proposals affecting established visitor accommodation in prime locations around the coast and in the countryside. Tourism support facilities, such as daytime and evening economy uses are already the subject of a test of market demand in the draft plan, where proposals to change their use are made across the island (see Policy ER4: Daytime and evening economy uses).

In light of the above, the Minister would wish to test whether this policy regime should be supplemented specifically in relation to proposals for a change of use away from visitor accommodation that is located in the island's tourist destination areas or outside of the built-up area by the addition of a series of policy tests related to:

- technical or practical viability of enhancement and adaptation to meet industry demands;
- market-testing;
- impact of the character of the area; and
- overall community benefit.

This would not preclude a change of use away from visitor accommodation, but simply serve to ensure that any such proposals were more robustly evidenced and considered as part of the decision-making process during the bridging plan period.

Minister's recommendation

The Minister for the Environment recommends that the inspectors test and explore the need for and appropriateness of enhancing the planning policy regime to better manage change affecting the island's tourism industry and specifically its remaining stock of visitor accommodation.

Minister's intention

The Minister for the Environment is **minded to amend** the draft plan, to seek to ensure that proposals for a change of use away from visitor accommodation in the island's tourist destination areas and outside the built-up area are well evidenced and considered as part of the decision-making process during the bridging plan period.

In this respect, therefore, the Minister is minded to make the following changes to the draft plan, as highlighted in green.

Policy EV1 – Visitor accommodation

Proposals which contribute to the quality and range of Jersey's visitor accommodation offer will be encouraged.

Proposals for extended or altered existing visitor accommodation throughout the island, and particularly in the identified tourist destination areas, will be supported.

Proposals for new visitor accommodation will be supported in the built-up area, and particularly in the identified tourist destination areas.

Outside of the built-up area, proposals for the development of new self-catering visitor accommodation will be supported where it involves the re-use and conversion of traditional farm buildings or where it can provide a viable use for listed buildings. In both cases, such accommodation must remain in tourism accommodation use only; this will be secured through the use of planning conditions or obligation agreements.

The development of camp sites or the use of land for touring units will only be supported where it does not harm landscape or seascape character; or the surrounding area by virtue of visual impact, noise, disturbance and traffic generation relative to the capacity of the local area to accommodate the development; and does not detract from the enjoyment of the area by others. The requirement for any ancillary buildings associated with these uses outside of the built-up area, will only be supported where it involves the re-use of existing buildings.

Where proposals outside of the built-up area comply with this policy and relate to the redevelopment of a building(s), involving demolition and replacement they must deliver an environmental improvement to the site and the surrounding area, in terms of a reduction in visual scale, mass volume, design and materials and finishes.

Changes of use away from visitor accommodation use where located in tourist destination areas or outside the built-up area will not be supported unless it is demonstrated that:

- a. it is not technically feasible to refurbish, extend, adapt, or redevelop the accommodation to meet current or future requirements; or
- b. it can be demonstrated that there is no market demand for the continued use of the premises for visitor accommodation; and

- c. there is no unacceptable adverse effect on the intrinsic character of identified tourist destination areas; and
- d. the overall benefit to the community of the proposal demonstrably outweighs the adverse effects of loss of visitor accommodation.

Proposals for the temporary use of visitor accommodation for other uses will be considered on a case-by-case basis. Planning conditions will be attached to time-limit permissions as appropriate.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 60 - Policy EV1 - St. Brelade's Bay Improvement Plan – timeframe

Relevant policies

EV1 – Visitor economy

Proposal 17: St Brelade's Bay Improvement Plan

Summary of representations received

[P.36/2021 \(19\)](#)

[P.36/2021 amd. \(19\)](#)

- the Bay has a high value for the visitor economy and Island community.
- recent developments have been contentious and challenged by some.
- the Island Plan 2011 was revised in 2014 and included a requirement to prepare additional guidance for St Brelade's Bay.
- recent public engagement as part of the background research for the Bridging Island Plan identified concerns from the community and stakeholders about the form of recent development and the potential loss of the tourism offer through inappropriate forms of development and further erosion of character.
- the SBBIP will, it is contended, clearly set the parameters for future development that all the stakeholders will understand and may help arrive at a consensus.
- to ensure clear and timely guidance is published the St. Brelade's Bay Improvement Plan needs to be produced, consulted upon and published within a defined timeline.
 - it should be published and adopted by December 2023 (amd 19)
 - it should be published and adopted by May 2022. (amd 19 amd)

Minister's detailed comments

The draft plan acknowledges that St. Brelade's Bay is an important part of Jersey's tourism offer. The character of the bay is defined by the natural environment, built form and cultural uses and activities. These take place on land, beach and sea. These elements combine to create the bay's unique character and support its role as a valued place for visitors and Islanders alike.

The St. Brelade's Bay baseline study¹ confirmed that the policies of the bridging Island Plan can ensure management of development proposals affecting the bay; which in turn can be complemented by the production, consultation and publication of a St. Brelade's Bay Improvement Plan, as set out at Proposal 17 of the draft plan.

The objectives of the improvement plan set out in the bridging Island Plan seek to:

- protect the delicate balance between the natural landscape and the built-up components of the bay.
- improve the environmental quality and public experience in key public areas of the bay, particularly the beachfront area (including the beach, promenade, Route de la Baie, public car parks and Churchill Park).

¹ [St Brelade character appraisal baseline report](#)

- create a more comfortable and welcoming environment for families, visitors and residents to enjoy their time in the bay's public spaces enjoying healthy outdoor spaces and activities.
- The improvement plan should be developed by engaging the local community to enhance the bay. It should identify potential proactive interventions by the Government of Jersey, the Parish, residents and business.

The Minister supports the establishment of a timeframe for work to be undertaken to develop the St Brelade's Bay Improvement Plan. Any such timeframe needs, however, to be realistic and needs to allow appropriate time for the project to be undertaken, including appropriate community and stakeholder engagement.

It is anticipated that new plan will be approved, as amended, in March 2022. On this basis, the Minister considers that the shorter timescale of May 2022 does not allow sufficient time for the development of the St Brelade's Bay Improvement Plan to be undertaken, following the approval of the new plan. The longer timescale, of December 2023, is considered to be more realistic and appropriate.

Minister's recommendation

The Minister recommends that the planning inspector notes the comments made above.

Minister's intention

The Minister is **minded to accept** the proposed amendment (**in red**) to Proposal 17 setting a deadline of December 2023 but is **not minded to accept** the further amendment requiring completion by May 2022 (**in red**).

Proposal – St Brelade's Bay Improvement Plan

The Minister for the Environment will develop an improvement plan for St Brelade's Bay **by December 2023** ~~May 2022~~. The plan, which will be developed by engaging the Parish, residents, business and other key stakeholders, will identify potential proactive interventions to enhance the bay and support its role as a valued place for visitors and islanders alike.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 61 - Parking

Relevant policies

Policy H2: Housing density

Proposal 29: Sustainable transport zones

Policy TT4: Provision of off-street parking

Summary of representations received

- Amd [P.036/2021](#) (42) Transport and parking
- the current Island Plan has a comprehensive range of objectives, proposals, targets and policies to support travel and transport that is absent from the draft bridging island Plan;
- to ensure that explicit reference is made to the provision of parking space, for residents and visitors; as well as amenity space, in considering the appropriate density for a development site
- to require supplementary planning guidance for sustainable transport zones and parking standards to be approved by the States Assembly, in conjunction with the emergent parking strategy;
- to enable the provision of additional parking in Town (where it is not associated with other forms of development) for residents, visitors and shoppers;
- to enable the provision of additional parking in town where required/sponsored by government
- to ensure that there is an appropriate policy framework to deal with parking proposals that involve the loss of front gardens, with potential implications for street character and safety.

Minister's comments

Planning and transport policy

Whilst the areas of planning and travel are inextricably linked, it is relevant to note that the Island Plan is a development plan, and that it seeks to support and enable the implementation of the objectives, policies and proposals of the island's Sustainable Transport Policy, and its associated emergent rapid plan workstreams. It is not for the Island Plan, therefore, to set transport objectives or transport policy.

One of the STP rapid plan workstreams, that is currently underway, will provide a parking plan. This will deliver a comprehensive transport policy framework for the provision and management of parking in the island, having regard to the objectives of the STP. It will specifically address issues associated with the provision and management of overall parking supply, including public parking; parking for people with disabilities; and parking for commercial needs; as well as matters associated with mechanisms to influence access to and use of parking relative to other modes of transport.

Supplementary planning guidance: parking standards

The planning system can help contribute towards the objectives of the STP, so far as they relate to parking, through the preparation and issue of supplementary planning guidance that sets standards for the provision of parking that is associated with different forms of development. It can also regulate the use of land used for parking as a specific form of development.

Current parking standards, set out in existing supplementary planning guidance, are woefully out of date. There is a longstanding commitment to revise them and work has already been undertaken to do this, involving preliminary consultation with key stakeholders including Infrastructure, Housing and Environment (Operations and Transport) and the Parish of St Helier's Roads Committee, amongst others. It is the Minister for the Environment's intention to issue draft supplementary planning guidance for parking standards, in association with draft guidance on density and space standards for homes, in parallel with the Island Plan Review process in order to provide greater transparency about the implications of some of the policy provisions set out in the draft Island Plan.

This guidance will be issued for formal consultation with all of the island's highway authorities, including the Minister for Infrastructure and the parish roads committees, as well as other key stakeholders and the wider public. This will afford an opportunity for consideration to be given to the relationship of draft parking standards with the emergent parking plan.

The legal vires for the preparation and adoption for supplementary planning guidance rests with the Minister for the Environment. He will have due regard to the comments received from the Minister for Infrastructure, parishes and other stakeholders in the adoption of new guidance for parking standards associated with development.

The Connétable of St Helier asserts that islanders should have equal rights to own a private car regardless of where they live. This is, however, a false premise. The issue is not whether islanders own a private car but whether they have access to and choices about the transport that gets them to where they want and need to go. St Helier provides a greater range of travel options than other parts of the island - including the ability of town residents to access private cars, whether privately owned or available for hire.

Access to affordable housing is significant challenge for many islanders. Inevitably homes with access to varying levels of parking are more expensive, wherever they are provided in the island. It is important to ensure that a range of homes can be provided in those parts of the island with a wider range of transport choices, to help people meet their housing needs whilst being able to travel to where they need to go. Supplementary planning guidance for revised parking standards will seek to reflect the availability of transport choices in different parts of the island whilst seeking to ensure that development is provided with an appropriate level of parking provision whilst ensuring optimum efficiency in the use of land.

Public off-street parking provision

The Minister of the Environment is of the view that the provision and management of new public parking space in the island as a specific form of development should be addressed through the development of the parking plan being prepared under the auspices of the STP. The outcomes of the STP parking plan can be addressed during the short plan period of the bridging Island Plan, where appropriate, through the preparation and issuing of supplementary planning guidance; or through the subsequent Island Plan Review. In the meantime, and to help deliver the STP objectives of seeking to reduce the impact of vehicles and to create more space for people in Town, the draft Island Plan seeks to ensure that the development of new off-street parking (where it is not directly related to a form of development) is limited to 'meanwhile' use of land for short-stay (shopper) parking.

Parking and development

The draft Island Plan needs to make provision for the provision of parking in association with different forms of development. In relation to the matter of density, as set out at Policy H2: Housing density, the policy makes clear that the appropriate density for an individual development site will be informed by matters such as the quality of the design and the level of accessibility of the site's location which influence how much parking space, as well as amenity space, will be provided. These factors, whilst implicit in the consideration of design and accessibility, are not explicitly referenced in the policy as currently drafted, and the Minister considers that it is helpful to make specific reference to them. The Minister considers, however, that this is not just an issue of quantity of parking and amenity space, but also its quality. It is important that amenity space is of value and utility; and also that parking is provided for both motor and non-motor vehicles, as appropriate, and that it is well-integrated into the design of a site.

One form of amenity space that is often the subject of development pressure for use as private off-street parking space is front gardens. This can have a number of implications including an impact upon the nature and character of the street, particularly in those parts of Town where there is a concentration of nineteenth century architecture where the front gardens of terraces are often of a uniform design and form part of the architectural composition of the street. The loss of these front gardens for the use of car parking can result in the loss of ornate architectural features such as walls, railings and tiling or formal planting, as well as introducing parked cars as a visual intrusion affecting building frontages and the street. The creation of individual private vehicular accesses along a street can also pose greater risk for highway safety, particularly pedestrians.

Whilst the draft bridging Island Plan provides a policy framework to be able to deal with the impacts of this form of development on the character of streets and buildings; and highway safety, it would be helpful to make explicit reference to this form of development on the face of policy.

Minister's recommendation

The Minister for the Environment recommends that the planning inspector notes his comments as set out above and invites him to consider the issue of the provision of off-street public parking in Town.

Minister's intention

The Minister for the Environment's intentions, as they relate to the various issues and parts of the plan affected by them, as set out above, are as follows:

Supplementary planning guidance: parking standards

The Minister is **not minded to accept** the proposed revisions to Proposal 29: Sustainable transport zones (part b) (**in red**);

Proposal – Sustainable transport zones

The Minister for the Environment will develop and **publish bring to the States Assembly for approval, in conjunction with the Minister for Infrastructure's forthcoming Parking Strategy, draft** supplementary planning guidance (SPG) for sustainable transport zones (STZ) to:

- establish standards for the provision of motorised and non-motorised vehicle parking:

- for various forms of development, including residential; and / or
- for the zone, or any part of the zone.
- set out any planning policy considerations and associated standards:
 - for the provision of associated facilities to support sustainable travel;
 - for the provision of electric vehicle charging infrastructure or services; or other low emission technologies, and / or
 - to advance other policies set out in the STP or a related policy plan.

As part of the development of any supplementary planning guidance for sustainable transport zones, the Minister for the Environment will consult the Minister for Infrastructure; the relevant parish(es); stakeholders and members of the public.

Public off-street parking provision

The Minister is not minded to accept the proposed revisions to Policy TT4: Provision of off-street parking (part c) (in red);

For the purposes of clarity, the Minister is **minded to propose** minor revision (in green) to, distinguish between policy TT2: Active travel, which contains provisions related to cycle parking.

Policy TT4: Provision of off-street parking

Development that has the potential to generate vehicular movements and a requirement for car and other forms of parking will be supported only where it provides an appropriate level of accessible, secure and convenient off-street ~~car~~ motor vehicle parking, that is well-integrated with the development, and which accords with adopted parking standards in terms of number, type, quality, security and accessibility, to meet all users' needs, with priority given to parking for people with mobility impairments.

To encourage a shift to more sustainable modes of transport, support may be given for development that does not meet adopted minimum standards, where contributions towards alternative parking elsewhere, or sustainable transport infrastructure or services, is secured, and where it can be demonstrated that any deviation will not lead to problems of indiscriminate parking in the locality. Any such contribution would need to be secured through a planning obligation agreement.

The development of land for the provision of off-street car parking space in Town will not be supported ~~except where it is provisioned as a "meanwhile use" against agreed timeframes for use as short-stay (shopper) parking~~ unless the new spaces will be provided for the use of residents, shoppers and visitors.

To encourage the more efficient use of land and to enhance environmental quality, the redevelopment of off-street parking provision in the built-up area will be encouraged and supported

Parking and development

The Minister is **minded to accept** the proposed revisions to Policy H2: Housing density (in red); and to propose his own changes to this and other policies (part a) (in green)

Policy H2 – Housing density

A positive design-led approach for the provision of new homes will be encouraged at all sites in the island's built-up area to ensure optimum efficiency in the use of land.

Residential development will be supported where it meets or exceeds the adopted minimum residential density standards established for the island's built-up areas.

The appropriate density for any individual site will be informed by:

- the quality of design, relative to the nature of the site and its local context, and the character, capacity and sensitivity of the area to accommodate the development;
- the quality, type and mix of homes being created; and its contribution to the creation of sustainable communities; and
- the level of accessibility by walking, cycling and public transport, to a range of services and facilities, including the capacity of existing local infrastructure to accommodate the development
- the quantity and quality of amenity space and parking, including visitor parking.

Residential development below the minimum density will only be supported where it is essential to protect the special interest and character of the area, or where there is an overriding justification to provide a particular mix and type of homes.

Proposals involving five or more homes should be supported by a schedule of accommodation and density statement: proposals that are not accompanied by this information will not be supported.

Policy TT4: Provision of off-street parking

Development that has the potential to generate vehicular movements and a requirement for car and other forms of parking will be supported only where it provides an appropriate level of accessible, secure and convenient off-street car parking, that is well-integrated with the development, and which accords with adopted parking standards in terms of number, type, quality, security and accessibility, to meet all users' needs, with priority given to parking for people with mobility impairments.

To encourage a shift to more sustainable modes of transport, support may be given for development that does not meet adopted minimum standards, where contributions towards alternative parking elsewhere, or sustainable transport infrastructure or services, is secured, and where it can be demonstrated that any deviation will not lead to problems of indiscriminate parking in the locality. Any such contribution would need to be secured through a planning obligation agreement.

The development of land for the provision of off-street car parking space in Town will not be supported except where it is provisioned as a "meanwhile use" against agreed timeframes for use as short-stay (shopper) parking.

Development involving the loss of front gardens and their boundary features to provide frontage parking with direct access to/from the public highway will not be supported where this would harm the character or appearance of the street scene or compromise highway safety.

To encourage the more efficient use of land and to enhance environmental quality, the redevelopment of off-street parking provision in the built-up area will be encouraged and supported

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 62 - Minerals: Zoning of Field MY966 and La Gigoulande Quarry safeguarded mineral area

Relevant policies

Strategic Policy SP6 – Sustainable island economy

Policy MW1 – Provision of minerals

Policy PL5 – Countryside, coast and marine environment

Policy GD1 – Managing the health and wellbeing impact of new development

Policy NE1- Protection and improvement of biodiversity and geodiversity

Policy NE3 – Landscape and seascape character

Policy ERE1 – Protection of agricultural land

Summary of representations received

A significant number of representations (including [P.036/2021 \(29\)](#) La Gigoulande Quarry) have been received in response to the consultation exercise raising concerns including:

General principles

- There is no need to identify or safeguard additional mineral reserves at La Gigoulande during the envisaged life of the bridging Island Plan
- More thought should be given to importation of aggregates
- Impact on Jersey's Carbon Neutral Strategy
- Contrary to the principles of green zone designation / impact upon landscape character
- Concern that the designation will result in the loss of good agricultural land
- Could output from Ronez Quarry and the use of secondary aggregates negate the need for La Gigoulande Quarry to continue production?

Detailed development control matters

- Potential adverse impact upon residential amenity by virtue of noise, dust, vibration and increased use of the country lanes by heavy vehicles
- Potential adverse impact upon biodiversity
- Potential adverse impact upon the setting and fabric of heritage assets
- Potential loss or re-routing of a green lane resulting in disrupted walking / cycling routes

Data / quality of advice issues

- Inconsistency of forecasted remaining reserves (2011 IP vs draft BIP)
- Data is based solely on evidence submitted to Arup by the quarry owners
- Arup Ltd has been the sole consultant providing information and advice to the Government of Jersey since 1999. Good governance should have required a change in consultants used.

Other issues

- La Gigoulande Quarry should be designated as a potable water storage facility (reservoir)

- It should be made explicit in Policy MW1 that mineral workings restoration schemes should be secured by planning obligation agreements.

Summary of Minister's response

The decision to include MY966 in the draft bridging Island Plan safeguarded minerals area for La Gigoulande Quarry was taken in light of professional evaluation of available evidence. The Minerals, Waste and Water study [2020] is a thorough document that does not lead the Government of Jersey (GoJ) to adopt one policy stance but, instead, presents a range of scenarios for GoJ to consider.

The MWW study confirms that the ongoing security of aggregates supply depends on primary production at the quarries and secondary production at recycling sites. Safeguarding these sites and supplies is important to ensure that construction cost and impacts on the environment are not unduly increased.

Greater reliance on the importation of aggregates through the harbours is not considered to represent a secure or sustainable supply route and, therefore, protecting – and in some cases extending – existing quarries is considered essential to safeguard medium and long-term supplies.

Many of the issues of detail raised through consultation, as to the potential environmental impact and its mitigation associated with the extraction of minerals from Field MY966, can and will only be addressed through the context of a planning application and associated environmental impact assessment processes.

Minister's comments

The Minister for the Environment's statement response is structured as per the groupings outlined above.

General principles

Introductory note

It is essential that there is a sufficient supply of minerals to provide the infrastructure and buildings that the island needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation and management. There is a need to plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 10 years for crushed rock.

Informed by the Minerals, Waste and Water study (2020)¹ the Island Plan seeks to do this by:

- proposing to safeguard mineral resources by defining safeguarded minerals areas; and proposing appropriate policies so that known locations of specific minerals resources of strategic importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
- taking account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies on-island.

¹ [Minerals Waste and Water Study](#)

The draft bridging Island Plan, therefore, carries forward the 2011 IP designation of La Gigoulande Quarry as a safeguarded minerals area (SMA), and an inert waste management / disposal site.

The draft plan, however, proposes an extension of the SMA designation to take in field MY966 and part of La Rue Bechervaise. An extension is also proposed to the Ronez Quarry SMA (on the north coast), into fields J31 and J32.

There is no need to identify or safeguard additional mineral reserves at La Gigoulande during the envisaged life of the bridging Island Plan

All the topics covered in the Minerals, Waste and Water study are long-term issues requiring long-term actions.

The 2020 Arup Minerals, Waste and Water study estimates construction industry demand for primary aggregates to be 295,000 tonnes of quarried material p.a. [figures based on three-to-five-year average sales figures from the main on-island producers]. Of this, La Gigoulande produces approximately 125,000t (42% of total supply).

Over the longer-term Arup estimates that by 2031, annual demand for primary aggregate (crushed rock and sand) would be in the region of 325,000 and 345,000 tonnes depending on population growth (of which 260-265,000 tonnes would be of crushed rock). Given that extraction of sand is likely to cease at Simon Sand in the very near future, it is important that reserves of primary aggregate are safeguarded for the future.

Demand is not forecast to change significantly over the next few years.

Current consented reserves at La Gigoulande are estimated to be 900,000t – just over seven year's supply at the average extraction rate. Extension into MY966 would release an estimated 4 million tonnes of aggregate, sufficient for approximately 32 years production at the current average rate.

Expansion of the Ronez Quarry SMA, as proposed in the plan, would increase its lifespan from three years to between 15 and 20 years (at current rates of extraction). A planning application for the extension of extraction into Fields J31 and J32 was granted permission in July 2021 (P/2016/0714).

Whilst the Minister acknowledges that La Gigoulande Quarry holds sufficient reserves to cover the period of the bridging Island Plan, the fact remains that the quarry holds less than eight years of reserves at current extraction rates. There is, currently, no objective evidence to suggest how the longer term-trends in respect of the use of recycled materials or innovative construction techniques, will affect the demand for primary aggregates. However, while it is likely that the use of recycled materials within the construction industry will increase over the coming years, the demand for aggregates in the short to medium term is expected to remain on a par with present levels.

Hence, either during the life of the bridging Island Plan, or shortly into the life of its successor, it is reasonable to expect that a planning application may be made for extended extraction into Field

MY966. Granite Products Ltd have stated in their published submissions that any such application will propose that MY966 be worked separately to the current extraction operations in order to facilitate use of the existing quarry for consented inert waste management / disposal and landscape restoration works [planning app ref: P/2012/0121].

The quarry operator also states that *"On the assumption that a planning application for the extraction of mineral in Field 966 is prepared in 2021 and submitted at the end of 2021, that the planning application takes one year to determine and that a further year is required for the discharge of any planning conditions, site preparation works, overburden stripping and construction of the Field 966 access ramp, then it is evident that the planning application should be submitted by the end of 2021. Not to do so may preclude access to Field 966 unless production from the quarry was heavily curtailed prior to or ceased at the end of 2023"*.

The purpose of extending the safeguarded minerals area into Field MY966 is to prevent any development of the land that may preclude any future extraction rather than to pre-empt any extraction proposals.

Deferring designation of an expanded safeguarded minerals area will not result in additional information being made available. Additional detailed information will only be forthcoming upon the submission of a planning application and associated EIA. It also does not preclude the submission of a planning application.

Importation of aggregates as an alternative / carbon neutral strategy

Self-sufficiency of aggregate production is not presented in the Minerals, Waste and Water study as a principle in and of itself. It is noted as a disadvantage of those supply options tested which depend most heavily on imports. Importing aggregates requires transport over longer distances: road transport in the country of origin; shipping to Jersey, and then local distribution. Imports would necessarily involve significantly greater energy expenditure per tonne of aggregate consumed than locally sourced aggregate. The result would be a higher CO₂ footprint per tonne than locally produced product.

Arup's assessment of the costs of importing aggregates included a formal discussion with the Ports of Jersey. Different options for long-term imports of varying volumes of aggregates were considered.

Ports of Jersey Ltd offered the view that sand (in particular) could, potentially, be imported competitively with locally produced sand although actual costings could only be made in the full knowledge of UK levies, transport costs, volumes and frequencies of shipments. Ports of Jersey Ltd do not possess such information and, hence, are unable to state categorically whether importation would be a cheaper option.

However, Arup explained that in order to provide a cost basis that could become the foundation of policy, they would undertake their own analysis of the logistics and the costs of importing and are content that the cost estimates as shown in the study are reasonable. Ports of Jersey Ltd confirm that they do not challenge the assumptions used in the Arup report.

The following points from that figure in the report should be noted:

- UK mainland production costs are shown to be about 20% lower than on-island production at either Ronez or La Gigoulande Quarry. This is because of larger scale of production and the more competitive mainland aggregates market.
- After adding local land transport and port charges, the cost on leaving the mainland is £31 per ton which is close to the £28.50 delivered cost of locally sourced product.
- However, when the £12 per ton shipping costs from Portsmouth to St Helier (as quoted to Arup by ProFreight) and £12.00 per ton St Helier Port charges (as per the current Ports of Jersey tariff schedule) are added, the delivered cost of imports is £55 per ton – which is 93% higher than the delivered cost of local aggregate
- This high shipping cost per ton reflects the low volumes involved and the need to use relatively small vessels. Although shipping costs would be lower if Jersey had a specialist aggregates import facility allowing large vessels to be accommodated at St Helier, Ports of Jersey's own recent study concluded that such a facility would not be economically viable at the volumes likely to be required. In addition to this Arup was advised that the Port does not wish to tie up the large space that would be needed for such a facility. Furthermore, the dust and traffic impacts in the port would be likely to result in significant detriment to the port environment.

Other things being equal, therefore, increased dependence on imported aggregates would compromise Jersey's zero carbon policy goal.

On-island quarrying is relatively less carbon intensive than the alternative option – to import aggregates. This is based on the reasonable parallels between the Jersey and Guernsey situation and the detailed work that has been carried out for Guernsey in the 2020 'Aether Report'² (see link below).

The conclusions for Guernsey, which are thus considered to be reasonable to be extended to Jersey, are as follows:

- Aggregate demand met by imports has a significant impact on global greenhouse gas emissions compared to demand met by local quarrying.
- The embodied carbon intensity for on-island Guernsey production and supply ranges from 4.9 to 5.2 ktCO₂e per tonne of aggregate (across some different scenarios) compared to the imported equivalent of 23.6 kt CO₂e per tonne of aggregate.
- This is due to imported materials having high emissions from the processing and transport of materials, especially shipping.

However, the two scenarios are accounted for differently in terms of National Emissions Inventories-

² [States of Guernsey: Committee for the Environment and Infrastructure - The island's future aggregate supply](#)

Imported material emissions are indirect emissions (reported by another jurisdiction) and not attributable to official island totals. Therefore although relatively lower, the emissions from on-island supply will increase emissions in an island's greenhouse gas emissions inventory as it accounts for locally produced emissions. The relatively higher emissions from imported aggregates, would be accounted for in the countries of production and so not increase local emissions inventories.

It could be argued that on-island production has both the lowest emissions and the most transparent accounting mechanism as they are being accounted for in the jurisdiction where the aggregates are being consumed.

The emissions impacts outlined above need to be considered as part of a wider assessment of quarrying activities including economic factors and other environmental factors such as impacts on biodiversity and water resources.

Contrary to the principles of green zone designation / impact upon landscape character

Minerals can only be extracted from where they occur. The island's three principal extraction sites: Ronez Quarry, Simon Sand and Gravel and La Gigoulande Quarry, all lie within the Coastal National Park or within the green zone. These sites are now part of Jersey's 'working' landscape and it is generally considered that extensions to extraction sites would be preferable to the opening of new sites. With the cessation of sand extraction at Simon Sand and Gravel expected during the plan period, there will be additional pressure upon Ronez Quarry and La Gigoulande Quarry to meet the market demand for sand-based products.

Extensions to the existing quarries will have significant advantages over the opening of new quarries on virgin sites in the countryside or coast. Environmental impacts are likely to be less pronounced and the required infrastructure is already largely in place. Extensions would also involve less overall land disturbance as they allow for the extraction of rock from existing worked faces, rather than necessitating wholly new excavations.

Accordingly, the draft bridging Island Plan acknowledges that the development of sites and infrastructure that help meet the island's strategic needs for minerals, waste management, energy and water will be supported in the countryside where its impact can be avoided, minimised, mitigated or compensated [see draft Policy PL5].

Loss of good agricultural land

The draft bridging Island Plan acknowledges that the loss of good agricultural land will not be supported unless in exceptional circumstances and where the nature of the proposed use genuinely necessitates and is appropriate, to its location (see draft Policy ERE1 – Protection of agricultural land).

In the case of minerals extraction, which is deemed to be in the strategic interests of the island's economy, this can only occur where appropriate and winnable reserves are identified. The planning system must successfully balance the need to protect the island's landscapes from unreasonable harm whilst also supporting a viable and sustainable economy. In this respect, it is recognised that certain policies can, seemingly, pull in different directions to other policies. This is not a flaw in the

system, but simply a product of a complex and wide-ranging Plan. It is for the decision maker to carefully balance the planning merits of a development proposal with the policy requirements of the Plan.

Could output from Ronez Quarry and the use of secondary aggregates negate the need for La Gigoulande Quarry to continue production?

Consultation responses questioned whether it would be feasible to rely only on Ronez for all primary aggregates supplies after 2031 with increased use of secondary aggregate to supplement the primary stock.

In the MWW study, various potential supply scenarios are considered in Appendix C. One of the scenarios (Scenario 2 – to 2031, pC2) does consider the possibility of Ronez Quarry alone being responsible for primary aggregates supply, and with La Gigoulande Quarry being closed in order to become a water reservoir.

A scenario in which only one quarry supplies all the island's primary crushed rock aggregates would result in a monopoly. The MWW study considers but rejects any option that would rely on one source only for the island's primary aggregates. Aggregate prices on the Island are already considerably higher than on the mainland. A monopoly would exacerbate this. Moreover, reliance on a single quarry to supply the island's primary aggregates would prejudice the security of supply over the long-term. With two operators, that supply is more secure.

Reliance on Ronez Quarry alone would also increase, substantially, the extraction rates of the quarry as it works to meet the demand currently met by Ronez and La Gigoulande Quarry together. The working 'life' of the quarry would, therefore, be likely to be halved to 10 years at the maximum. Quality issues may also arise whereby the reserves at Ronez may not always meet the quality standards required by the construction industry. At present, any quality issues can be resolved by sourcing the required quality material from either of the two quarries that are currently extracting and processing aggregate that meets the required quality assurance tests.

Detailed development control matters

Potential impact on neighbour amenity, biodiversity and heritage assets

The Minister fully understands and appreciates the concerns raised by nearby residents, business and the wider community, but remains satisfied that the planning application process, in tandem with the requirements of the EIA Order, will ensure that full and considered regard is had to the environmental and other impacts of any expanded mineral extraction at La Gigoulande Quarry.

The draft bridging Island Plan simply seeks to safeguard this site for mineral extraction based on the need to identify how the island might seek to meet its long-term need for aggregates: it does not propose to confer any presumption of approval for this form of land use.

The development of the land involving the extraction of minerals from the site would still need to be the subject of separate planning application. Any planning application would be the subject of public consultation and could, at the Minister's discretion, be the subject of a planning inquiry.

Proposals for minerals extraction would also, by virtue of Order³, need to be accompanied by a full and comprehensive environmental impact assessment which would be subject to its own process of scoping and consultation.

EIA identifies both the positive and negative environmental effects of proposed developments prior to planning permission being considered. It aims to prevent, reduce or offset any identified significant adverse environmental effects of development proposals.

The EIA process ensures that planning decisions are made in the full knowledge of the environmental effects and with full engagement of statutory bodies, local interest groups and members of the public.

Notwithstanding the recommendations of the examination in public, the majority of the concerns raised so far in the representations will be fully assessed in the context of the planning application / EIA process. The designation of MY966 as part of the La Gigoulande SMA would not, in any way, prejudice the planning / EIA process.

If suitable mitigation measures could not be secured to safeguard residential amenity, impact on bio-diversity and the wider landscape character, then any proposal to extend extraction into the field would not be supported.

Many of the issues of detail being raised, through consultation on the draft bridging Island Plan, as to the potential environmental impact and its mitigation associated with the extraction of minerals from Field MY966, can and will only be addressed through the context of a planning application and associated EIA processes.

Loss of green lane / disruption to cycling and walking routes

In respect of potential impact upon the future of La Rue Bechervaise, there are two options for working Field MY966 if, ultimately, extraction proceeded into the proposed designated area. A more detailed description of the potential expansion of the quarry into Field MY966 has been prepared by Granite Products Ltd in a published document; An appraisal of the proposed southern extension - Granite products Ltd, 2021⁴. The two options for working the field are summarised below:

1. Work it separately from the existing quarry. This could ensure the retention of La Rue Bechervaise but, would result in a lower yield of aggregate and could, potentially increase the impact on local and residential amenity.
2. Work it from the existing quarry and re-route La Rue Bechervaise along the southern perimeter of MY966. This option would maximise yield and help reduce impact.

From a policy perspective, the impact of any planning application to expand mineral extraction into Field MY966 upon the integrity of the local road and cycle route infrastructure will be a material consideration. It will be a matter for the decision maker on any forthcoming planning application to

³ [Planning and Building \(Environmental Impact\) \(Jersey\) Order 2006](#)

⁴ [Promotion of an extension to the mineral extraction operations at La Gigoulande quarry, Jersey – Granite Products](#)

consider the issue in light of all supporting evidence, including comprehensive EIA and responses from public and stakeholder engagement.

Data / quality of advice issues

Inconsistency of forecasted remaining reserves (2011 IP vs draft BIP)

The 2011 Island Plan (revised 2014) quotes La Gigoulande Quarry as having an estimated 3.2 million tonnes of stone reserve at the start of 2011. Planning permissions granted in 2001⁵ and 2007⁶ consented the extraction of two million tonnes and 1.4 mt respectively; totalling 3.4 mt which is not dissimilar to the original estimate.

The 2011 Island Plan's calculation of a 27 year reserve at La Gigoulande is based on the 3.2mt estimate and an assumed annual output (extraction rate) of 118,000t. Arup calculated the same 27 years remaining reserve, but used the consented 3.4mt reserves baseline and a predicted extraction rate of 125,000t per annum, on average.

It has come to light during subsequent discussions with Arup that the 2011 Island Plan's assumption of there being 3.2mt remaining reserves *at that time* was, in likelihood, an over estimation. The 2011 estimate of 3.2 mt seemingly did not take into account the extent of extraction at the quarry between the 2001 planning permission and the approval of the 2011 Island Plan.

Since the 2001 planning permission, approximately 2.3mt have been extracted from La Gigoulande Quarry. This figure reflects higher than average extraction rates for some years during the period and leaves a reserve of between 900,000t and 1.1mt. At an average extraction rate of between 118,000 and 125,000 t per annum, this equates to between 7.2 years and 9.3 years of remaining reserves. The draft bridging Island Plan assumes the lower volume of reserves (900,000t) and an average extraction rate of 125,000 t per annum, giving just over seven year's winnable reserves.

The 2011 Island Plan (revised 2014) also refers to the quarry operating company suggesting that *'...the life of the quarry could be prolonged by a further 40 years to 2076, when recycling operations are established under the auspices of policy WM6 (if recycling volumes are available), because primary aggregate production would be reduced by 50%'*. [para 10.10]

This statement was offered by the operating company in response to a request for information on the (then) current position of mineral supplies and extraction in the island prior to the drafting of the 2011 Island Plan. In retrospect, it is understood that the intent of this statement should have been to indicate that the proposed recycling arrangements could extend the life of the quarry up to a total of 40 years, not an additional 40 years. The original statement was not reflected in any policy of the 2011 IP, nor endorsed in the Plan. Moreover, the draft bridging Island Plan does not make reference to the '40-year' statement.

While the over-estimation of remaining reserves at La Gigoulande Quarry as stated in the 2011 Island Plan is acknowledged, it does not materially affect the policy direction of the draft bridging Island Plan. Remaining reserves at La Gigoulande Quarry stand at just over seven year's supply and the minerals policies of the draft bridging Island Plan reflect this fact.

⁵ P/1996/1041

⁶ P/2006/1273

The decision to include MY966 in the draft bridging Island Plan SMA was taken in light of professional evaluation of available evidence by Arup Ltd. The MWW study [2020] is a thorough document that does not lead GoJ to adopt one policy stance but, instead, presents a range of scenarios for GoJ to consider.

The MWW study confirms that the ongoing security of aggregates supply depends on primary production at the quarries and secondary production at recycling sites. Safeguarding these sites and supplies is important to ensure that construction cost and impacts on the environment are not unduly increased.

Data is based solely upon evidence submitted to Arup from the quarry operators

The quarry operators are best placed to provide information on the extent of reserves remaining, current and historic levels of demand and supply and on the potential extent of reserves on / under land within their ownership.

The consultation raised questions as to whether the extent of existing consented reserves had been under-estimated by the quarry operators. In particular, whether the reported winnable reserves exclude material in the ground on which plant is located. Arup confirm that the reserve calculation does not exclude material on which the plant is located. Normal practice is that the calculation of a quarry's reserves includes all potentially workable rock in the deposit in question. In almost all quarries, therefore, it is a simple matter of geology that processing plant will be located on top of winnable reserves.

Quarry operators seek to locate plant in a location that offers the best balance among competing demands of excavating efficiency, transport access, visual impact and dust management. The best location may vary from time to time depending on how a quarry is worked. For example, one part of a quarry may become too deep and waterlogged, or too steep, to work efficiently. Or, unexpected problems with rock quality may arise. It is not uncommon for on-site plant to have to be moved from one location to another. Obviously, best practice will seek to minimise such moves because of the cost involved.

While at every quarry the issues will be different, the quantity of reserves underneath an operator's processing plant will generally be a small proportion of the calculated total and not a factor in whether or not additional reserves may be needed to secure future supplies.

It is an established requirement of minerals planning policy that permitted reserves of at least 10 years supply are maintained, with provision in planning for a further 10 years. The Arup Report simply advises GoJ on the range of options for delivering on these requirements, noting the pros and cons of each. In the case of La Gigoulande Quarry, the issue is more complex because the location is an option for the future of not only quarrying but also management of inert wastes and the reprocessing of them into secondary aggregates.

The Minister is satisfied that Arup's use of the term 'economically winnable reserves' is accurate and based on industry-acknowledged definition and terminology.

Arup Ltd has been the sole consultant providing information and advice to the Government of Jersey since 1999. Good governance should have required a change in consultants used.

Arup were contracted to produce the Minerals, Waste and Water study following an open procurement process that complied with the Government of Jersey's procurement best practice procedures. They are an internationally recognised consultancy, offering impartial and multi-disciplinary advice to governments, NGOs, businesses and individuals. In awarding the contract to Arup to produce the study, due diligence was followed.

The fact that Arup were engaged to work on the first Minerals Strategy prepared for the island in 1999 is not considered to be material or to present any issues of governance. Since that time Arup have not been retained or engaged to provide further advice in relation to minerals planning. The development of the MWW Study is an entirely new commission. The fact that Arup have been engaged to undertake this work is not considered to represent inadequate governance or to present any issue that has prejudiced the formulation of sustainable minerals and waste policies for the island.

With each new Island Plan draft minerals and waste policies, together with the background evidence reports such as Arup's study, are subject to full scrutiny through the independent examination in public.

The Minister remains satisfied that Arup's contribution to the evidence base underpinning the minerals and waste policies is well-informed, impartial, robust and professional.

La Gigoulande Quarry should be designated as a potable water storage facility (reservoir)

Jersey Water's raw water supply system currently comprises of six impounding reservoirs, two direct catchments with storage tanks, seven pumped surface water catchments, six boreholes and La Rosière desalination plant. The surface water catchments supply around 95% of the raw water for the island, amounting to 2,705 million litres, or approximately 120 days of supply (equating to 22.5 million litres per day or 22,500 cubic metres).

Figures from Jersey Water indicate that, on average, in 2017, 20,100 cubic metres of water per day were supplied to homes and businesses across the island.

However, demand forecasting undertaken as part of Jersey Water's Water Resource Management Plan⁷ indicates that water demand is expected to rise to 22,800 cubic metres per day by 2045, with dry years expecting a demand of 23,900 cubic metres per day.

In order to increase raw water storage capacity to meet the expected long-term demand, Jersey Water have identified the potential for a new reservoir to be created within the void at La Gigoulande Quarry once extraction ceases ([see report](#)). This proposal is also supported in a number of representations received through the Island Plan consultation exercise.

The option of using the quarry for water storage was considered by ARUP in their Minerals, Waste and Water Study, in one of the scenarios (scenario 2) for informing an integrated solution to the

⁷ [Water Resource Management Plan](#)

island's minerals, waste and water strategy. The study concluded that the use of La Gigoulande Quarry for water storage would not meet the expected increase in demand and that there were more effective methods of increasing the island's available supply. These alternatives are detailed in section 7 of the Arup study.

Moreover, the Minister notes that La Gigoulande Quarry is in private ownership, with the owners making clear their intent to continue extraction and to extend operations into Field MY966. The void left by the original workings would be used as an inert waste management and disposal site as per the planning permission granted in 2016 (ref: P/2012/0121).

Looking beyond the period of the bridging Island Plan, and its successor, Arup comment that *"There might be a scenario in which La Gigoulande has a triple use, also incorporating water storage – particularly in the longer term towards the end of Jersey Water's 2040 forecast period. This was not explicitly tested...but the nature of La Gigoulande and its extension into Field MY966 could mean that a diversity of uses could be envisioned, explored and planned for..."* [para 8.2]

It should be made explicit in Policy MW1 that mineral workings restoration schemes should be secured by planning obligation agreements.

Policy MW1 states that *"All proposals for extended mineral extraction sites must be accompanied by an environmental impact assessment and a comprehensive after-use site restoration plan. Restoration plans should demonstrate that the site will be restored, with a positive enhancement of both the site and the landscape or coastal character of the area, to an appropriate use within a reasonable timeframe, and provision for the long-term maintenance and management of the land. The implementation of such approved schemes will be secured through the use of planning conditions or planning obligation agreements"*.

The Minister considers that the wording is sufficient to successfully secure appropriate restoration schemes where necessary.

Minister's recommendation

The Minister recommends that the planning inspector considers the issues raised through the consultation, having particular regard to the desirability of maintaining a minimum of a 10-year supply of primary aggregate whilst having regard to the island's objectives to become carbon-neutral.

Minister's intention

The Minister for the Environment is **not minded** to change the designation and policy framework as proposed in the draft bridging Island Plan.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 63 - Minerals: Simon Sand and Gravel site

Relevant policies

Strategic Policy SP6 – Sustainable island economy

Policy MW1 – Provision of minerals

Policy PL5 – Countryside, coast and marine environment

Policy GD1 – Managing the health and wellbeing impact of new development

Policy NE3 – Landscape and seascape character

Summary of representations received

Representations received in relation to the Simon Sand and Gravel site raise several issues as summarised below:

- Concern over any expansion or continued extraction at the site owing to the long-term impact on the character and value of the Coastal National Park.
- Concern that Arup's recommendations to support extended extraction at the site, until reserves are exhausted, have not been adopted by the Minister.
- Lack of evidence to support alternative supply methods for sand and their potential impact on the island's carbon neutral targets as suggested in the plan, namely:
 - Crushed down rock
 - Recycled aggregates
 - Imported aggregates

Minister's comments

Concern over any expansion or continued extraction at the site owing to the long-term impact on the character and value of the Coastal National Park.

The Jersey Mineral Strategy 2000- 2020, which was reflected in the policies of the 2011 Island Plan (revised in 2014), envisaged the winding down of the Simon Sand and Gravel extraction site by 2018, having regard to its location within the context of a sensitive landscape setting which forms part of the Coastal National Park, with a progressive restoration of the dune landscape.

Planning permissions have, subsequently, extended the consented period of extraction, within the boundaries of the existing operational quarry site, up to December 2023 (planning ref: RC/2018/0816), with conditions requiring restoration by 2026, beyond which, there was an expectation that the facility would cease all extraction operations.

The draft plan allocates the Simon Sand and Gravel site as a safeguarded minerals area. However, Policy MW1 states, expressly, that proposals for the extension of extraction beyond the boundaries of the existing consented area (under planning permission ref: P/2003/1318) will not be supported.

The Minister considers that, given the high sensitivity of the site, the significant length of time that extraction has been undertaken and the requirement of planning permission RC/2018/0816 that the site be restored to a naturalised landscape, further extraction beyond that which is currently consented will not be supported.

The Minister further considers that the continued or extended extraction of the site could result in unacceptable harm to the biodiversity of the local area by virtue of changes to the hydrological gradient of the site and the potential for allowing pollutants to enter the aquatic environment, which includes fresh-water reserves accessed via bore-holes. Any additional areas of open water resulting from an extended extraction site also have the potential to attract local and migratory wetland birds which would present a threat to the safety of aircraft landing from, or taking off towards, the west by virtue of bird-strike.

Ultimately, any proposal to continue the extraction of minerals from the site (or from an extended site) beyond the terms of the extant planning permission would still need to be the subject of separate planning application. Any planning application would be the subject of public consultation and could, at the Minister's discretion, be the subject of a planning inquiry. Proposals for minerals extraction would also, by virtue of Order¹, need to be accompanied by a full and comprehensive environmental impact assessment which would be subject to its own process of scoping and consultation.

Concern that Arup's recommendations to support extended extraction at the site, until reserves are exhausted, have not been adopted by the Minister

The 2020 Minerals, Waste and Water study ('the study') presented a range of scenarios for the Government of Jersey to consider. The scenarios were based on the future requirements for minerals, inert waste and potable water, and how they might be met in an integrated fashion. Although the study made a series of conclusions and recommendations, it was not designed to offer a single, complete solution to the issue.

The study represents a single body of evidence, with suggestions, that must be considered in the wider context of the planning history of the Simon Sand and Gravel site, and the expectations of the community and industry stakeholders stemming from that history. Moreover, the site, which lies within the dune landscape of the coastal strip, is very sensitive to the impact of any further workings.

The Minister must carefully balance the known advantages of maintaining an on-island supply of sand from an existing extraction site with the need to protect and enhance the landscape character and biodiversity of an area. In this instance, the Minister considers that the environmental considerations outweigh the arguments for continued extraction at Simon Sand and Gravel.

Hence, while the Minister gave full consideration to the study, he considered that there were other factors that justified a resolution not to adopt Arup's suggestions in relation to the continuance of extraction at Simon Sand and Gravel.

¹ [Planning and Building \(Environmental Impact\) \(Jersey\) Order 2006](#)

Lack of evidence to support alternative supply methods for sand and their potential impact on the island's carbon neutral targets

The Minister recognises that that substitute or secondary and recycled materials and minerals waste will, over the medium to long-term, make an increasingly important contribution to the island's supply of aggregate for the construction industry and, in doing so, will ultimately lessen the demand for primary aggregates.

The extraction site produces approximately 55-60, 000 tonnes of sand and gravel per annum. The Arup study acknowledges that any decision to, effectively, secure the cessation of extraction at Simon Sand and Gravel needs to take note of impacts, including consideration of whether, and if so how, local users of Simon Sand and Gravel's products could adapt to the removal of the current output from the industry [see page 20 of the study].

Crushed rock

Approximately 50% of Simon Sand and Gravel's product is purchased by Ronez Quarry and La Gigoulande Quarry for use in the manufacture of ready-mix concrete and concrete blocks.

However, both Ronez Quarry and La Gigoulande Quarry are able to produce industry acceptable sand fractions through the processing of post-extraction fines and mineral wastes.

The Arup study notes that Ronez Quarry are at an advanced stage in designing processing plant that will produce a range of sands, based on granite dust. Ronez is also experimenting with processes to recycle glass into sand products. These alternative supply routes, once operational, would allow Ronez to fully adapt to the cessation of extraction at Simon Sand and Gravel.

Granite Products Ltd at La Gigoulande Quarry have stated an intention to respond to any cessation of extraction at Simon Sand and Gravel by manufacturing their own sand from crushed granite, with additives, to simulate the beneficial characteristics of natural sands. An amount of importation of soft sand, used for mortar production, would also be undertaken. This would be likely to be imported using roll-on, roll-off ferries in one-tonne bags transported on lorry trailers.

Although exact volumes and production rates of crushed rock derived sand are not known at this stage, it is evident that bulk importation of sand and gravel would not be necessary for Ronez and La Gigoulande to continue to supply the island with a significant proportion of its demand for sand.

Simon Sand and Gravel's remaining custom (approximately 50%) is with the island's smaller construction firms. This may have to involve the importation of volumes of sand in order to supplement the crushed rock product. At present, likely volumes of importation are not known and, hence, the potential impact on the island's carbon neutral target cannot be accurately assessed.

Recycled aggregates

Jersey currently recycles more construction and mineral waste than almost anywhere in the UK (Arup study, page 22). This supply of secondary aggregate accounts for over 40% of the island's total aggregate sales of just under 500,000 tonnes per annum (primary and secondary).

Although the majority of secondary aggregate does not constitute, and is not intended as, an alternative for sand, the fact is that as technologies evolve and awareness of the need for meeting environmental targets increases, the secondary aggregate sector is expected to play an ever increasingly important role in both the management of the island's inert waste streams and in supplying the domestic market with products specifically tailored for the needs of the construction (and other) industries.

Continued investment by the recycling and secondary aggregate sectors in terms of plant, technology and knowledge will lessen the need for any importation of product.

The cessation of extraction at the Simon Sand and Gravel site is not expected to have any adverse impact upon the secondary aggregates sector. Indeed, it is probable that cessation will act as a catalyst for the recycling and secondary aggregates sectors to become more effective and efficient in supplying the industry's requirements for secondary aggregate and, potentially increasing output of acceptable sand substitutes.

Imported aggregates

See Statement Response SR62 (Minerals: Rezoning Field MY966 and La Gigoulande Quarry)

Minister's recommendation

The Minister recommends that the planning inspector considers the issues raised through the consultation, having particular regard to balancing the need for security of supply of primary aggregates with the need for the protection and enhancement of the landscape character and biodiversity of the Coastal National Park.

Minister's intention

The Minister for the Environment is **not minded** to change the designation and policy framework as proposed in the draft bridging Island Plan.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 64 - Delivery and implementation (proposals and guidance)

Relevant policies

General plan requirements and proposals

Summary of representations received

Some representations have raised concern about the deliverability of the plan from the perspective of proposals delivery, supplementary planning guidance and planning staff resources and capacity. These are predominately from industry representatives and those who are routinely engaged with the planning process. The points raised include:

- Concerns over the number of proposals that the draft Bridging Island Plan proposes, which would need to be delivered in short period of time.
- The Minister has a poor track-record of ensuring Island Plan proposals are delivered.
- The proposals should be prioritised in a specific order and a programme for doing so should be included in the plan.
- There is no timetable provided for the preparation, consultation and introduction of the SPG's that will identify specific measures required to satisfy at least 17 Policies in the plan and a concern that this will mean prolonged uncertainty about exactly what is required to comply with requirements in the draft plan with varying interpretation by planning case officers in applying policy to specific planning applications.
- Clear guidance is required in relation to space and parking standards. There has been a failure to keep SPG's updated to reflect current standards being applied. This has inevitably led to significant confusion and varying interpretation between planning case officers.
- The draft Bridging Island Plan raises a number of new policy issues which will require skills beyond the present training and capacity of the planning team.
- The Minister should make the most of opportunities for joint working and seek third sector and industry involvement in the development of policies. This would help to support more effective policy outcomes.
- The planning applications team are already under-resourced, and the additional requirements of the plan will slow them further and create an even larger planning applications back-log.

Minister's detailed comments

The Minister for the Environment considers the representations received to fall into three broad categories: delivery of proposals, supplementary planning guidance and planning skills and capacity - for the sake of clarity, the response is provided on this basis.

Delivery of proposals

It is important to be clear that proposals are not an essential component of the plan - they have no statutory basis and will be rarely raised in the context of determining planning applications, as they are not framed as policy. The Minister includes proposals in the plan simply to highlight what additional work should be prioritised over the plan period and, just as the plan is fully functional without proposals, proposals may also be brought forward in isolation from the plan, if required.

Whilst it is not necessary for proposals to be identified, they are nevertheless considered an important means to establish areas for continuous improvement, and to create a line of visibility towards challenging policy areas which need to be addressed in the future. The plan should not scale back its ambition in this respect.

Some proposals in the Bridging Island Plan serve to usefully highlight key areas of focus which will guide the transition from the shorter-term plan, into the development of a subsequent, longer-term, plan.¹ It should be expected that these proposals will be prioritised for that reason.

The Minister is clear that the work required to deliver the suite of proposals is not the sole responsibility of the Minister for the Environment. If agreed, they become a commitment of the States Assembly, and they will require prioritisation with other ministers and appropriate additional resourcing through corporate allocations where necessary.

The Minister agrees that the extant 2011 Island Plan, whilst developed in-light of the priorities of the time, has generally failed to deliver on the States Assembly commitments to undertake the work highlighted in its proposals. The main cause of this has arguably been a lack of integration of Island Plan delivery with the government's wider strategic and business planning functions, which are necessary to secure prioritisation and resources to deliver government work. However, since 2011 the Government of Jersey strategic planning function has matured significantly. The Island Plan is now fully embedded both within the Government's longer-term strategic planning framework and in an operational sense is also the responsibility of the Strategy and Innovation Directorate within the Strategic Policy, Planning and Performance Department, which also leads the development of the Government Plan and other long-term strategies.²

On the basis of this relationship, when the Bridging Island Plan is approved, new proposals will be considered for funding through the development of the Government Plan, and the prioritisation of smaller workstreams (such as the development of supplementary planning guidance) will be identified as key deliverables in departmental business plans. It will be through these mechanisms – where a specific deadline is not already established within the draft Island Plan – that the order and timeliness of the delivery of proposals will be established by the States Assembly, or by Ministers, where appropriate.

¹ Where a proposal has been identified as required to inform the development of the subsequent Island Plan, it has been identified in the performance chapter of the draft Bridging Island Plan (p.315-317).

² See Page 14, figure 4 of draft Bridging Island Plan for performance management and business planning standards and principles

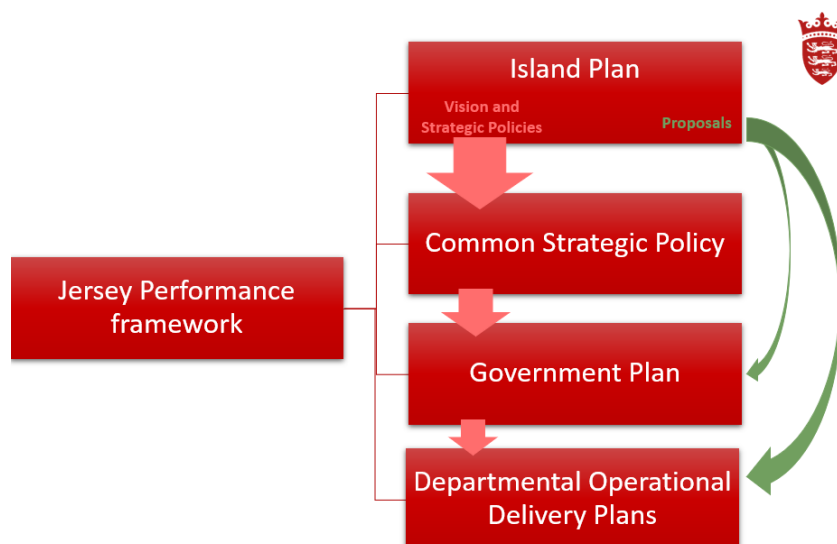


Figure 1: diagram showing the Island Plan as part of the strategic planning framework, and route of proposals to be brought forward in the Government Plan and Business Plans.

This framework also creates a means for accountability, where the prioritisation – or de-prioritisation- of proposals committed to in the Bridging Island Plan can be publicly addressed.

The Minister notes and agrees the point raised that a partnership approach which can make use of expertise in non-government organisations to support the delivery of some of the Island Plan proposals may prove to be beneficial. The suitability of such an arrangement will be considered at the point of developing a plan to deliver each proposal. In any event, the majority of proposals, including the development of supplementary planning guidance, will be subject to stakeholder and/or public consultation as part of their development.

Supplementary planning guidance

The draft Bridging Island Plan recognises the areas of supplementary guidance (SPGs) that should be developed as a priority to support the effective implementation of the plan. Many of these SPGs are required regardless of the Bridging Island Plan or have been identified to support the implementation of newer policy concepts.

The requirements for Supplementary Planning Guidance does not imply a 'gap' exists in the Island Plan. Island Plan policy provides a useable policy framework, and all additional content in SPGs will be consistent with that format. SPG is often used to make the process of engaging with the Plan more user friendly, and to provide additional where technical guidance that is relevant to, but does not need to form part of, Island Plan policies.

The Minister appreciates that there are a number of supplementary planning guidance documents which are already dated and require review, and that this needs to be prioritised to ensure alignment with the strategic direction of travel in Jersey, reflective of local needs. Key examples of this are guidance for both parking and residential space standards, both of which are identified as proposals in the plan and that are in the process of final development.

In recent years, the timely development of supplementary planning guidance has been hampered by a number of factors, and the Minister recognises the challenges this has presented in the planning process. Factors preventing delivery have not been solely resource and capacity driven,

but also a symptom of evolving contexts which ought to be sufficiently stable before enduring guidance is established. Key areas of new consideration include the emerging policy framework of the draft Bridging Island Plan, but also how we rise to the challenge of becoming carbon neutral, whilst understanding the societal impact of the Covid-19 pandemic.

As with many sectors, Government has also faced staff capacity issues as a direct result of the Covid-19 pandemic and vacancies. However, as Government re-calibrates itself out of the public health response and back towards business as usual, staff capacity is being restored.

In response to the approval of the draft Bridging Island Plan, the Minister will publish a programme to deliver priority supplementary planning guidance documents, and a schedule for reviewing other dated guidance documents. This programme will take advantage of the Place and Spatial Planning team now having direct access to wider policy expertise and capacity to support SPG production. This includes the newly created Strategic Housing and Regeneration team who will provide specialist housing and regeneration advice, and the Sustainability and Foresight team who will support on matters relating to environmental policy including transport, energy and carbon emissions.

Planning skills and capacity

Representations have raised concern about how the Bridging Island Plan requirements may impact upon the timely determination of planning applications, with there already being a significant backlog of planning applications, and on-going resourcing challenges in the Development Control team.

The Minister wishes to stress that the capacity of planning officers and speed of decision making should not be a reason to dilute necessary planning requirements in the draft Bridging Island Plan. Resources should instead be made available to ensure that the aspirations of the plan can be delivered.

The Minister does acknowledge that there will be training and skills requirements arising out of the proposed policies in the draft plan and work is being done to identify and develop these requirements into an upskilling programme to commence in January 2022, in preparation of the plan's adoption. This programme will include workshops on thematic policy issues and seminars on assessing development viability, flood risk and carbon impact.

Work is also being undertaken to establish how existing skills across government might appropriately support the implementation of new Bridging Island Plan requirements, such as the use of building control officers to assess whether or not a proposal complies with specified building standards; sustainability and foresight officers to consider carbon impact assessments, and officers responsible for managing storm water drainage and coastal sea defences to assess flood risk assessments.

The present context of delays and backlogs in the system come as a result of the exceptional circumstances that have been experienced over the last 18-months, with Covid-19 and emergency staff re-deployment, compounded by staff sickness and vacancies. The planning applications team continue to work at reduced capacity, with currently seven vacancies in the planning applications and compliance teams, and a further two in building control. Infrastructure, Housing and

Environment recognise the urgent need to resolve these resourcing challenges and have developed a recruitment plan aiming to restore full professional capacity by Q3/4 2021, before the draft Bridging Island Plan is to be adopted. Again – this Minister wishes to stress that this context should not be used as a reason to justify a dilution of the necessary requirements established by the Island Plan, but instead the reason why it must be ensured that staffing issues are resolved as soon as possible.

Minister's recommendation

The Minister recommends that the planning inspector has regard to the explanation provided in relation to the status and intent of proposals identified in the draft Bridging Island Plan.

Minister's intention

The Minister regards the proposals of the plan to be well-intended with a clear route for delivery and accountability and therefore, does **not intend** to make any changes to the Plan in this regard. The Minister will continue to advocate for the prioritisation and resources required to deliver the proposals identified in the plan, and the maintenance of an adequately resourced planning function to deliver the plan.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 65 - Performance framework

Relevant policies

Proposal 36 – Strengthening the Island Plan performance framework

Summary of representations received

Some comments have been made in relation to the structure and approach of the proposed performance framework, including one States Member amendment.

- [Amendment 60](#) (Connétable of St Brelade): Performance measures

In summary, this amendment proposed proposes further or Policies GD8, GD9 ER4 and NE3. These suggest the loss of trees and the likely increase in new trees is measured. In addition the use of floor space is challenged with the suggestion that footprint should be substituted alongside "additional storey/built height area".

Minister's detailed comments

With regard to the general representations received, the Minister is content that the performance framework of the plan and relationship to the Jersey performance framework is appropriately designed, and therefore, no changes to this framework are necessary.

As set out in Proposal 36, the aim is to strengthen the performance framework by using systems data to automate the data gathering. The indicators proposed in the plan have been carefully assessed to ensure that such automation can follow. Floorspace figures are collected for each application made. Footprint is a less precise measure of the built form. Adding the new upper floors to this would require a new data set to be calculated and monitored. There is no data collected on trees felled or trees planted, measuring the later would require close monitoring at 2 to 5 year intervals. Whilst the aspiration to monitor tree loss is understood there will be other mechanisms tied to the emerging Tree Strategy for the island.

To add a performance measures to calculate the loss of strategic views from headlands would require upfront identification and mapping of such strategic views. This would be a significant investment which would of course require full mapping of all strategic views in Jersey. The Minister contends that the policy framework allows strategic views to be carefully considered when new development is proposed under GD9, and as such changing the performance measure would not be required.

The additional measures proposed by Amendment 60 are therefore not considered to benefit the effectiveness of the plan-performance monitoring framework and the Minister would not be minded to accept the amendment, as proposed.

The Minister notes that the RIDA (regulatory improvement digital asset) project is underway, which is a government regulation wide review of digital requirements and will include consideration of data collection and management. The replacement of existing records management systems is due to be complete by approx. end 2022.

Minister's intention

The Minister for the Environment is **not minded to accept Amendment 60 (a), (b), (c), (d) and (e)** to amend the Plan's performance framework and will retain the wording as drafted.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 66 - Developer viability and deliverability

Relevant policies

This issue applies to the entire plan, but has greatest relevance to the following policies and proposals:

- Proposal – Sustainable Communities Fund
- Proposal – Future affordable housing provision
- GD3 – Planning Obligation Agreements
- GD10 – Percent for art
- ME1 - 20% reduction in target energy rate for large-scale developments
- ME2 - Passivhaus standards for affordable homes and major development outside the built-up area
- ME3 - BREEAM rating for new larger scale non-residential buildings

Summary of representations received

General concerns about additional costs arising from the draft Bridging Island Plan that will burden developers, including:

- challenges to methodology and basis of assumptions made in the 2017 Jersey Infrastructure Levy viability assessment.
- lack of clarity as to which policies would be removed upon the adoption of the Sustainable Communities Fund, and how this will relate to the use of POAs
- concerns that the draft Bridging Island Plan imposes significant and costly additional new requirements on applicants, including additional cost for consultants fees added to already high development costs.
- the viability of development in Jersey is ever decreasing, there are developers (and private property owners) who are giving up on undertaking work due to the high costs and uncertainty within the system.

Minister's detailed comments

In order to provide some structure and clarity in responding to the key issues raised through the consultation, the Minister for the Environment's statement response is structured by general themes, as set out below:

1. General principles of measuring the draft Bridging Island Plan viability

Some of the representations made in the consultation raise concern as to the basis of the draft Bridging Island Plan viability being considered in light of an assessment that was undertaken in 2017. This 2017 viability assessment considered local land values and development costs and was produced in consultation with the local industry. The Minister is aware that not all industry representatives agreed with the assumptions made in the 2017 assessment.

It is important to emphasise that the use of this work to consider the viability of the draft Bridging Island Plan does not seek to justify scope to apply a levy or charge as the original 2017 assessment sought to do. The 2021 Draft Bridging Island Plan – Viability Note report aims to highlight whether or not viability/profitability has improved since 2017, and therefore

indicate whether or not there is more - or less - scope to withstand increased developer contributions, through a charge and/or through increased policy requirements. The report sets-out that high-level data from the BCIS and Statistics Jersey indicates that viability has improved since 2017, that is to say the scope to make developer contributions or to deliver greater levels of policy requirement are now greater than they were in 2017.

The assessment focuses on whether or not the policies of the draft Bridging Island Plan - when compared to those of the Revised 2011 Island Plan - increases development costs to such an extent that they will render development unviable. The 2021 viability note uses the available data as a baseline and has regard to the apparent divergence of construction costs and property values that has happened since the baseline was established in 2017. It is also clear that the viability of both the proposed Sustainable Communities Fund and potential affordable housing requirement for open market housing is to be explicitly set aside for further viability analysis.

The viability of the Revised 2011 Island Plan, as articulated through the 2017 assessment, cannot be reasonably disputed given that the plan has been in place for a considerable amount of time and development has been taking place under that plan. Indeed, the amount of development aspired to in the Revised 2011 Island Plan has been realised and therefore arguments that there is no value capacity for some moderate additional policy requirements in the draft Bridging Island Plan are considered to be without any firm foundation.

The 2021 viability note highlights the apparent divergence of build costs and property values since the 2017 assessment was undertaken, indicating how build costs have increased by less than 20%, but property values more than 20%, and in some cases, such as 4-bed homes, the increase in property values is in excess of 40%. The 2021 note also recognises, however, that there are real material uncertainties around the values of properties and the costs of construction that are as a direct result of the Covid-19 pandemic, as has been highlighted in the relevant representations to the draft Bridging Island Plan consultation.

Therefore, whilst the 2021 viability note seeks to provide some appropriate narrative around development viability context in 2021 and the policy requirements proposed in the Draft Bridging Island Plan, the Minister can neither predict or resolve the uncertainty presented by the Covid-19 pandemic whilst the unprecedented situation with property sales and supply chains remains fluid. The Minister also contends that full re-assessment of viability in Jersey today would not achieve the level of certainty and precision that some representations are seeking. The uncertainty caused by both the pandemic and Brexit is not considered sufficient justification to not make progress in key policy areas, as is being proposed by the draft Bridging Island Plan.

The Minister has sought to explicitly mitigate some of the risk associated with the present economic uncertainty in the form of a shorter-term Bridging Island Plan. Adopting a Bridging Island Plan means the evolving economic context of development in Jersey can be re-evaluated in the relative short-term, when hopefully, there will be more market stability. The development of the subsequent Island Plan and reflections on the impact of the policies established through the Bridging Island Plan will be helpfully supported by the undertaking of a detailed viability assessment to consider whether there is scope to introduce the SCF and/or a proportion of open market homes to be allocated as affordable, in the policy framework

design of the subsequent Island Plan. In this work, the Minister fully intends to re-examine residual land values in Jersey, having regard to the comments made about the local context in relevant representations received, and provide a full, locally derived update as to the change in construction costs that need to be taken into consideration.

2. Sustainable Communities Fund

The majority of concerns raised about the implementation of a Sustainable Communities Fund (SCF) are considered to be significantly premature. The "Lichfields representations on behalf of the Jersey Construction Council" response, as submitted by a consortium of developers and industry representatives to the draft Bridging Island Plan, makes many references and challenges to the principles, design and viability of a fund, on the basis of a previous attempt to introduce a levy in Jersey. However, the reason for including the SCF and the proportion of open market homes as proposals, and not as a policy, is because the Minister must first undertake a new and detailed viability assessment. Should this viability prove that there is scope to introduce a the SCF and/or proportion of open market homes as affordable, the Minister would, in the case of the SCF, then need to design and introduce necessary enabling legislation (which would require further approval by the States Assembly) before the SCF could be introduced. This work has not yet been done and will not start until such time that the Bridging Island Plan is approved.

The work to test viability and design a potential fund must - and will - involve industry engagement where all of the points raised in the Litchfield Report and wider representations can be appropriately and usefully raised. Due to the scale and complexity of this work, it isn't the intention of the Minister to implement any resulting policy during the Bridging Island Plan period. Indeed, the implementation of a SCF would be disruptive to the policy framework of the Bridging Island Plan, as it is most likely a number policies would need to be changed to ensure that the introduction of a SCF does not create instances of 'double dipping'¹. The Minister cannot change Island Plan policies without going through a formal Island Plan review process and given the short lifespan of the Bridging Island Plan, this would therefore be in the development of the subsequent Island Plan.

The Minister notes the concerns raised that the relationship between the SCF and existing policy requirements of the plan (such as percent for art contributions) is unclear. The Minister confirms that those policies which lead to developer contributions will be reviewed as part of the process to consider the introduction of the SCF, with the intention to simplify and reduce developer contributions arising from policy requirements. As stated above, this consideration will need to be as part of the development of the subsequent Island Plan to enable those policies to be changed, should that be required.

The Minister accepts that the wording of the proposal seeking to pursue the introduction of the Sustainable Communities Fund could be clearer to avoid any confusion or fear that the SCF would be placed upon the framework of the Bridging Island Plan. The Minister, therefore, proposes amended wording to the proposal to ensure that the intention to bring this forward as part of the subsequent Island Plan is clear.

¹ Double-dipping is a term used to describe an instance where something is paid for twice: through both the policy framework of the plan, and through the application of funding generated by the SCF fund.

3. Increased policy requirements affecting viability in the draft Bridging Island Plan

Representations received raise concern over the viability impact of some proposed policies in the draft Bridging Island Plan. The Minister highlights that where a cost impact is to be expected from a new or changed policy in the draft Bridging Island Plan, that this has been acknowledged in the Draft Bridging Island Plan – Viability Note (2021). Key areas of concern raised include the revision of the percent for art policy (GD10), the development standards proposed by the Managing emissions chapter (ME1, ME2 and ME3 specifically) and a general concern about increased consultancy requirements to produce information.

In response to these concerns, it should be both highlighted and emphasised that the Minister has designed these policies to be pragmatic in their application, with flexibility to deal with practical and financial viability, and to allow the developer to propose appropriate and proportionate solutions.

- **Policy GD10 – Percent for art:** The revision to the percent for art policy acknowledges the inconsistency and implementation challenges learned from its predecessor in the Revised 2011 Island Plan. The original policy, though guidance, was established at flat rate of 0.75% of development costs and whilst voluntary, was often seen to be mandated in the decision-making process. The supplementary guidance for the original policy is prescriptive and creates additional cost through the need to appoint an 'approved art advisor' and lacks support for community-led projects which have the potential to cost less whilst being very successful.

The updated approach proposed in policy GD10 seeks to address these issues and create greater certainty and flexibility for the developer. Whilst it can be asserted this policy seeks a 0.25% uplift, the policy is clear that the requirement is for "approximately 1% of the total construction cost" to be set aside for public art. This is, therefore, a guide that should be interpreted as a maximum requirement, and not a definitive requirement. The preamble to the policy elaborates on the objectives of the policy and how it can be realised in a proportionate and appropriate way:

"In development schemes, where the inclusion of art will be of public benefit, a contribution to public art of approximately 1% of the total construction cost of the development will be expected. However, the actual financial value and product arising from the contribution should be of a commensurate/reasonable scale and value to the scale of the development and the nature and origin of the artistic contribution."(p.99)

The intent of this flexibility is to ensure that the resultant public art, regardless of its financial value, is right for the development and its context, and achieves a quality outcome. It will be for the developer to justify their approach to the contribution, which should be in the form of a public art statement which sets out the artistic brief, the artist's response to the brief, a proposal for the public art, costings and agreement to procure the installation or public art from a named artist or artistic business. It will then be for the decision maker to decide if the developer's response is adequate.

The Minister appreciates that further guidance in this respect would be helpful to developers in navigating the requirements, and hence the inclusion of a proposal to develop such guidance.

- **Managing emissions policies (ME1, ME2, ME3):** These policies represent a targeted approach to reduce carbon emissions from buildings. As the draft Bridging Island Plan viability note highlights, the cost impact of these standards can be reduced or avoided through early consideration in the design stages, and balanced when considered against the whole lifecycle cost of the building's energy consumption. Cost impacts associated with the standards can be expected to be:
 - ME1: less than 2.5%
 - ME2: 2.9% for flats and between 5-8% to the costs of housing.
 - ME3: negligible cost impact to achieve 'very good' and from under 1% to 5.5% for 'Excellent' depending on the nature of the scheme, with offices being a little under 2%.

Of these proposed policies, Passivhaus (ME2) is recognised to carry the greatest potential for increased costs, and hence why there is explicit flexibility provided in the policy to ensure viability does not compromise the deliverability of the scheme:

"In those cases where it is argued that the Passivhaus requirement will render a development unviable, a viability assessment, which considers the whole development life-cycle must be provided. Should the viability case be accepted, the developer will be required to demonstrate how the building has been designed to achieve the highest possible standard towards reaching the Passivhaus standard, within the scope of viability".(p.211)

The Minister, therefore, does not agree that these standards will present development-limiting viability challenges, with the cost impacts considered to be low (and lower when the developer considers the requirement in the early design stages), with the addition of flexibility in the achieving of the Passivhaus standard to allow viability to be addressed.

Additional consultancy costs to support evidence development: the Minister acknowledges that the effect of the draft Bridging Island Plan will be, in some cases, that more evidence will be required to accompany planning applications to help ensure the objectives of the plan are being met. In many instances and depending on the origin of the application, the requirements will not require significantly more specialist input than the requirements of the current Revised 2011 Island Plan but will require consideration and time.

The Island Plan must be effective, and this can only be assured when a decision maker has enough information to understand the impact of a development and is able to ensure that it can be implemented appropriately and managed through the use of conditions. In some instances, such as the use of viability assessments, the requirement for information is only in the developer's interest to ensure that their case can be proven, rather than an application refused.

The Minister does appreciate that there must be a balance between the assessment and accountability of a development's performance, and the need to avoid unnecessary bureaucracy. The additional requirements for information are centred on environmental

issues and hence why the Minister has included "Proposal – Design statements and statements of sustainability", where the Minister will further consider how these requirements can be streamlined into a simple reporting structure, as far as possible.

Minister's recommendation

The Minister recommends that the inspector considers the viability and deliverability of the draft Bridging Island Plan.

Minister's intention

The Minister is **not minded** to amend the plan as the Minister considers that the requirements of the plan will not render normal development unviable.

To ensure the timeline and intent for the development of a sustainable communities is clearer, the Minister **intends** to amend the wording of Proposal – Sustainable Communities Fund, as set out (in green) below (see Modification schedule)

Proposed modification:

Proposal – Sustainable communities fund

Recognising the challenges to secure the sustainable future development of Town, a Sustainable Communities Fund will be established and funded through a land development levy, subject to approval by the States Assembly.

Work to design and introduce the necessary legal mechanisms for the Fund will take place over the plan period of the bridging Island Plan, ready for inclusion into the subsequent review of the Island Plan.

The viability of the proposed Fund will be assessed and arrangements for the governance and allocation of the Fund, including the role of Parishes, will be set out when it is proposed. As part of this work, restrictions will be put in place, through regulations, to ensure that developers are not charged twice for the same infrastructure.

Should a mechanism also be introduced to deliver a proportion of affordable homes on all housing development sites, restrictions would also be put in place to ensure that contributions to the Sustainable Communities Fund were viable, proportionate and appropriate in light of the contribution made by the delivery of affordable homes.

Draft Bridging Island Plan Consultation

Minister for the Environment – Statement response

SR 67 - Proposals map changes

Relevant policies

Summary of representations received

A variety of issues have arisen in relation to the proposals map, which can be categorised as follows:

- Mapping anomalies: domestic boundaries
- Mapping anomalies: allocations under current Island Plan

Minister's detailed comments

The scope of this Island Plan review has not included a detailed and systematic review of the built-up area boundaries of the plan.

The only systematic review that has been undertaken is that relating to the Coastal National Park boundaries, as set out the Coastal National Park Boundary Review.

A number of representations have, however, been received which have sought to raise issues relating to the definition of the built-up area. Some of these seek to resolve what effectively amount to anomalous issues where it is evident that the boundary of the built-up area, as defined on the proposals map, does not satisfactorily relate to the situation 'on the ground'. In most instances, these are longstanding and concern domestic boundaries.

Other representations have been made, in most cases, seeking to secure some form of development or, in others, protection, by proposing changes to the definition of various zones in the plan, in order that a site may be subject to a different planning policy regime. Where this has arisen, these representations have been considered under the auspices of the relevant policy area (for example, PL5: Coastal National Park; or GD8: Green backdrop zone).

Other mapping issues have arisen where there is a discrepancy as a result of change, either in the form of development or policy, proposed between the Revised 2011 Island Plan and the draft bridging Island Plan where this has not been reflected in the associated revision of the proposals map.

The Minister would offer the following comments relative to each of the categories, and seek to provide additional details of each case in the associated appendices (numbered as per the list below), with proposed changes to the proposals map, **outlined in green**.

Mapping anomalies: domestic boundaries

1. Le Pepiniere, St Lawrence (BHLF-ZZ1R-2KXT-Z)

This case would appear to involve the longstanding incorporation of a field remnant into a domestic boundary. The issue also appears to affect the property to the south, as well as others to the north east. There is considered to be little or no potential impact upon local landscape character given the location of these sites, and the enclosed nature of these boundaries around an existing field that is surrounded by development on three sides.

The Minister is minded to amend the built-up area boundary to regularise these anomalies by embracing these domestic gardens within it.

2. **Land at Glenwhern, Grouville (ANON – ZZ1R-2KMN-F)**

It is evident that the area of land highlighted by this representation forms part of a domestic garden and is physically and visually distinct from the landscape character of the Grouville coastal plain.

The Minister is minded to amend the built-up area boundary to exclude the residential boundary of Glenwhern from the Coastal National Park and to embrace it within the built-up area.

Mapping anomalies: allocations under current Island Plan

3. Field MN402, St Martin

This site was allocated the development of homes under the auspices of the Revised 2011 Island Plan. The site has now been developed and it is appropriate for it to be embraced within the boundary of the built-up area of St Martin's Village.

The Minister is minded to amend the built-up area boundary to embrace Field MN402 within it.

4. Field O785, St Ouen

This site of vacant and derelict glass was allocated the development of affordable homes under the auspices of previous Island Plans, but its development has not been realised.

The site is not proposed to be taken forward for development as part of the bridging Island Plan. It has, however, been mistakenly included within the built-up area boundary of the smaller settlement of St George's Church.

The Minister is minded to amend the built-up area boundary to exclude Field O785 from within it.

5. Sewage treatment plant, Bellozane, St Helier

During the plan period of the current Island Plan, work has been undertaken to redevelop the island's sewage treatment facility at Bellozane Valley. Part of the site currently sits outwith the built-up area boundary. The Minister is minded to amend the built-up area boundary to embrace the entirety of the plant within it.

Minister's recommendation

The Minister recommends that inspectors consider the proposed changes relative to the representations received and the comments made in order to determine whether they might be deemed to be an appropriate response to the issues raised.

Minister's intention

The Minister is **minded to amend** the proposals map, as set out in the attached appendices

Appendix 1: Le Pepiniere, St Lawrence



Appendix 2: Land at Glenwhern, Grouville



Appendix 3: Field MN402, St Martin



Revised 2011 Island Plan

2020 aerial image

Current map: site (red)

Proposed amendment to BUA (green)

Appendix 5: Sewage treatment plant, Bellozane

