

THE JERSEY WATERFRONT
SUPPLEMENTARY PLANNING GUIDANCE

April 2006

Covering Report

Results of Public Consultation, and Recommendations; and

Supplementary Planning Guidance

Prepared by Chris Shepley

Introduction

Attached to this covering report are two much longer documents. The first sets out the results of the recent consultation exercise and my recommendations arising from it. It is a long document but I was keen to do justice to the number and variety of comments received. The second is a revised Supplementary Planning Guidance (SPG) document for the Waterfront, taking account of these comments and combining the previous draft document with the separate draft on tall buildings.

This report provides a very brief summary of the two documents and then highlights certain recommendations from the consultation document, dealing essentially with process, which I believe are not appropriate to include in the SPG itself.

Summary

There has been a large and varied response and there are many useful comments which should be passed on to the developers. The consultation has been welcomed, but people naturally expect changes as a result of it. There is concern about the poor quality of previous developments on the Waterfront. There are very divided opinions about many of the key issues, making it impossible for the Minister to satisfy all the pressures upon him. But there is a general wish, amongst supporters as well as opponents of the current proposals to see a very much higher quality in future, even if this means some delay.

One of the over-riding concerns is about the relationship between the Waterfront and the remainder of St Helier. It is generally felt that the two must work together and that there has been insufficient attention paid to this. While housing and office development are in my view acceptable on the Waterfront, despite some concerns, there is a need to take great care in the provision of retail, in order to ensure that the shopping centre of St Helier is not damaged; the two must be complementary.

It is essential that the physical links between the town and the Waterfront are very significantly improved. This includes a well designed bridge, and major improvements for pedestrians at the roundabout and Liberation Square.

There is much concern about public realm and open space. Like a number of issues this arises partly from a concern that the three proposed developments may not work well together. A public space strategy should be produced which demonstrates that spaces

will be of high quality, that the overall strategy is clear, and that public access is safeguarded.

There were also many responses about sustainability and a variety of environmental issues. More attention needs to be paid to this, and an effective form of appraisal should be carried out.

The issue which has attracted most attention is design, and particularly tall buildings. Views are split. There is a large petition against tall buildings but many expressions of support for them too – provided they are of high quality. There are particular concerns about views of Elizabeth Castle (though the reclamation has already affected these).

There is also a view that height is not in fact the key issue and that the level of the debate needs to be raised. A tall elegant building is better than a small bulky one and would allow more open space around it. The key issue is quality, not size.

On balance the report finds in favour of tall buildings subject to a number of caveats including the quality of the design, and attention being paid to the relationship between the three sites. It does not however propose a height limit.

The SPG, which is rooted in Policy BE5 of the Island Plan, includes a fresh set of policies based on the two earlier documents and on the recommendations in the Consultation report.

Process points

There are two areas in which recommendations in the Consultation report do not sit well within the SPG; but the Minister needs to determine them simultaneously.

The first is about the relationship between WEB and the States. Many comments were made to the effect that WEB had driven the schemes too aggressively, and that the rationale (economic or visual) for the inclusion of tall buildings had not been explained. The publication of a new scheme in the Jersey Evening Post the night before the Forum did not assist WEB's cause. I recommend that these relationships – between WEB and the Planning Department especially, but also between WEB and the public – need repair. This is a cultural issue – not one which can be solved simply by establishing procedures – but I believe it is the interests of both the States and WEB that this should be resolved.

Second, and more critical, is the need to establish a process which ensures – tall buildings or not - that a high quality outcome is delivered. The public need to be satisfied that the kind of dilution which appears to have occurred in relation to earlier schemes (and which is by no means restricted to Jersey) does not occur. This needs a clear statement that only the best will do – and this is included in the SPG. But it also needs mechanisms for ensuring that it happens and I have suggested three things. The first is that WEB should be required to show more clearly how the three schemes relate to one another. The second is that WEB should be encouraged to use an architect from the very top drawer to design any tall or “iconic” building – this is a suggestion which was generally supported by the public response. The third is that an architectural adviser should be appointed, or alternatively a Design Panel should be established, to advise the Minister, with a very clear brief to ensure that only the best development will be acceptable. The cost of providing this mechanism ought reasonably to be met by the applicants. More detail on these proposals is to be found in the report. But the key point

to stress is that it is not only by writing good policies in an SPG that excellence will be achieved; it is an ongoing process which requires goodwill on all sides, a common determination that this critical scheme will match the standards which the consultation demands, and the continuing application of high quality expertise to bring this about and to re-assure the public, whether they supported high buildings or opposed them, that at least the Minister has understood their concerns and that the States will not settle for second best.

Conclusion

I hope that the Minister – and the Council of Ministers and others – will read not just the revised SPG but also the full report on consultations, despite its length. The public have provided much food for thought and the above summary does not come near to doing it justice. On balance, and despite the particular and well publicised concerns about tall buildings, I think there is a wish to “get on with it”. But there is an over-riding view that this is so important – this generation’s main contribution to the Jersey environment – that only the best will do.

Report to the Minister for Planning and Environment on Public Consultations, and Recommendations

Chris Shepley

Introduction

I have been appointed by the States of Jersey to examine and report upon the consultation process which has taken place to seek public views on the latest proposals for the Jersey Waterfront. I have been asked, further, to put forward a revision of the Planning Department's draft Supplementary Planning Guidance (SPG), which was at the core of the consultation, incorporating the separate SPG which had been produced by Peter Sandover on tall buildings.

I am entirely independent. My only connection with Jersey, other than as a leisure visitor, is that I produced a review of the Planning and Building functions of the States in 2005. In particular I have no connection with WEB or with any of the possible developers of the site. I am not acquainted with the vast majority of respondents to the consultation.

This, therefore, is the first of two reports to the Minister for Planning and Environment. This one sets out, as best I can, the results of the consultation process and draws conclusions from it. The second consists of a re-drafting of the two SPG documents. There is also a covering report which contains a short summary, and recommendations on the process, as opposed to the planning policy.

The consultation process and the material on which this report is based

The two SPG documents were published for public comment in January and February. They were advertised in the Jersey Evening Post and on the Planning Department's website, and comments were invited by Monday 27th March. A number of representations were received after that date, but in fairness to those who took the trouble to comply with the deadline, I have not taken account of the late comments.

A public forum was held at the Airport on Saturday 4th March, attended by nearly 200 people. I also attended the Forum. There are three outputs from this which have been provided to me:

1. A set of the notes which were produced by the facilitators at each table during the forum, and an analysis of these notes which sorts the comments into various headings which were provided by me and which are broadly used as the headings in this report.
2. Notes of the plenary session which was held at the end of the Forum.
3. The results of a questionnaire survey which participants at the Forum completed.

I have taken these together as the result of the day's work; there was some criticism of the danger of over-simplification in the questionnaires and I have had regard to that concern; nonetheless they provided some useful insights.

In addition I have received copies of letters from about 160 people (some wrote more than once) which were sent to Senator Cohen or to the Planning Department or direct to me. I have read all of these, but once again I have been provided with a helpful breakdown of the points which have been made in the letters, according to the same list of headings. Several of these are from States Members. In some cases writers very honestly indicated an interest in the schemes or a connection with the developers; I have read these but unless specifically stated I have not used them in compiling this report.

I have received the notes of 11 “surgeries” which were held by Senator Cohen with individuals who had points of view to express, and three reports of discussions with schoolchildren, including a forum at Les Quennevais.

I have seen a petition of over 5000 signatures (as at 27 March) organised by Save Jersey’s Heritage (and I am aware of an earlier petition in favour of the proposals).

I have also received substantial correspondence from the Waterfront Enterprise Board explaining their point of view.

In addition to the two draft SPGs, my attention has been drawn to the following documents:

The Jersey Island Plan 2002
States Strategic Plan 2005-2010
Willie Miller - St Helier Urban Character Appraisal 2005
CABE report on design standards for St Helier Waterfront 2005
PriceWaterhouse Coopers - Socio-economic Impact Assessment 2006
Experian – Assessment of Jersey Retail Sector 2005
Faber Maunsell Waterfront Traffic Study 2005
States Economic Growth Strategy 2005
WEB Development Brief
St Helier Regeneration and Development Strategy – Brief to Consultants

It is hard to argue in the light of this that there has been insufficient examination of issues surrounding the Waterfront. But I have had to absorb a very large amount of material in a short time. I think that I have taken all points of view into account, but there may be times when my lack of appreciation of some of the context becomes apparent, and for that I apologise.

I have held discussions with Peter Thorne and Richard Williamson of the Planning Department, and with Senator Cohen. The recommendations are, however, entirely my own.

General comment

I think the consultation process has been open and wide-ranging. I have not been given any instructions as to how I should deal with the comments, save that there is a context to this exercise (which I describe below and which was explained at the Forum) which obviously cannot be ignored. It has not, however, been a scientific process and many people have not been involved; there has been an element of self-selection. I was reminded for example of the need to take account of the needs of young people, and of future generations as yet unable to participate in an exercise of this kind but likely

nonetheless to be much affected by the decisions. Factors such as this have to be taken into account.

The points which have been made by members of the public have three general characteristics.

Firstly they are very wide ranging and deal with every subject which could be imagined. Many are brief but some are the result of considerable work, backed by photographs and sketches, and containing careful arguments. There are references to other schemes, buildings and waterfronts all over the world. It is quite impossible for me to cover, or for the Minister to assimilate, every point which has been made. Many of them are in any event matters of detail which are often important but which relate to further stages of the development of the waterfront. The letters and notes therefore provide a valuable resource for those who will be working on the Waterfront – architects, designers, engineers and planners. I have quoted from some, but by no means all, of the submissions in order to illustrate points in this report – mostly anonymously, though in a few cases I have mentioned the source. Those who have not been quoted can be assured that their letters have nonetheless been read.

I recommend that copies of all the letters are passed to WEB and to all those involved in the design of the schemes for their careful consideration.

Secondly the views are very deeply held. I very much respect and admire the time and effort which many people have put into making their comments. All of them, without exception, need to be taken seriously.

But thirdly – and this is perhaps the most important point in the whole of this report – there is no sign of any general agreement on any of the more contentious issues. There are strongly conflicting views on most of the key points. I will describe these as I deal with each of the main points. But – **there is nothing I can recommend, and nothing the Minister can determine, which will satisfy all those who have taken part in this consultation.** It is simply not possible.

This will not come as a surprise, and it is not unusual in planning matters of this kind. It is particularly difficult because of the strength of feeling on all sides in this case. All that can be done is to be as honest as possible, and to explain why particular courses of action have been taken. It can only be hoped that those whose aspirations are frustrated will recognise the reality of this dilemma and will in particular recognise one of the points which came out at the Forum and in many of the letters – that it is time to “get on with it”.

Context

It goes without saying that this is currently by far the most important area for development in the Island. The fact that it has taken some time to get it right – and may still take some time – is not necessarily a bad thing. There were different views on this. One letter, from someone who broadly supported the current proposals, referred to “...the extraordinary length of the consultation period – it’s as if we ... are to be consulted into submission...”. But on the other hand there were those who pleaded for more time and felt that these decisions were so important that they should not be rushed. Perhaps the person who said: “We need to move at pace, but not rush” had it about right.

There is no point in repeating the long story of the various plans and proposals for the waterfront. However, it is important for readers of this report to understand that we are not faced with a blank sheet of paper. There have been many decisions already made which have to be respected. In particular Policy BE4 of the Island Plan (which was approved by the States in 2002 after consultation) requires development to be in accordance with the approved development framework. This framework, produced in 2001 following a consultation exercise, is now out of date in many respects, and the present exercise will produce a replacement for it. There are other relevant Island Plan policies, especially BE5, which is mentioned later.

It is also important to recognise the States Strategic Plan, and the States Economic Growth Strategy, and in particular their aspirations for economic growth. And of course there has already been substantial investment on the waterfront, in particular in roads and services, and also in certain developments which have – not in every respect helpfully – preceded the main phases which are to follow. There are physical features, such as the dual carriageway, Les Jardins de la Mer, and the harbour and marina, which provide constraints.

The issue of delay

I am very conscious that at the time of my appointment there had already been fifteen years of work on the Waterfront development in general, and that the schemes for these three sites had already been the subject of a great deal of work by WEB and the developers. There is understandable frustration over the delay. I make some comments on the process later. But of course the Minister quite clearly intends that the results of this successful public consultation exercise must be taken into account (and the public's reaction, if the results of the consultation were to be ignored, can be imagined). It is inevitable that this will lead to some further delay, and this is regrettable, of course. But the development which ensues will not only be present in Jersey for very many years, but will be so prominent as to be seen by most residents and visitors on almost a daily basis; it will set the tone for a generation. It is a heavy responsibility. So whilst the delay must clearly be minimised, and it is not reasonable to suggest going back to square one, this report does imply some re-visiting of the present schemes, and some further work, in the interests of achieving excellence.

Structure of this report

In the rest of this report I seek to understand, explain, and comment on the results of the public consultation, in this context. I have worked on the basis of the following issues

- 1 The process
- 2 General thoughts and aspirations
- 3 Specific land use issues
 - housing
 - offices
 - retail
 - leisure, tourism, open space
 - public art
 - transport and linkages
- 4 Sustainability
- 5 The tall buildings issue
- 6 Design and appearance, materials etc

I have approached the task rather in the way that – as a former Chief Planning Inspector in England and Wales – I would have expected a written representations planning appeal to be considered. In each case therefore I set out the issues which were raised during the process as I see them, and report as impartially as I can on the arguments which have been put forward. I then give my own views and recommendations as to how the public response might be taken into account in the revision of the SPG or in some other way. These feed in to the revisions to the SPG and the covering report.

1 The process

The issues

The issues under this heading are

1 Has the process of developing the schemes for the waterfront been open, transparent and sensible?

2 Has this consultation process been satisfactory?

The views expressed

I think it is important to ensure that the Minister is aware of concerns expressed, especially at the Forum, about the process so far. These fell into two parts – the first about events going back several years and the second about the more recent activities of WEB and the developers.

On the first point, there were references in many responses to the poor quality of what has been achieved so far (one person referred to it as “carnage”), and a concern that future development – despite the promises of quality and excellence – would turn out to be no better than the cinema development and the current hotel scheme. There were specific references to the fact that aspirations for the hotel had been scaled down and that the States had settled for a mediocre design in order to get the development off the ground. Many respondents urged that this must not be allowed to happen again. One comment referred to “...a catalogue of poor judgement over the last 25 years...”. Another said: “I find it very regrettable that even after an agreed standard that subsequent Committees have allowed a reduced standard in the finished product [the hotel] that is currently being built – be warned and be aware!”

On the more recent history, there was praise for the work of WEB in bringing things to this stage, but there was also a good deal of criticism of them. It was particularly unfortunate that a revised scheme had appeared in the Jersey Evening Post the night before the Forum. This raised hackles – “...cynical attempt to persuade us...” was one recorded comment. Quite a lot of people felt, rightly or wrongly, that information from WEB had been misleading, or even dishonest.

This reflects a view, which many respondents raised, that the development is being driven by WEB and by financial considerations rather than by the States and in particular the Planning Minister and Planning Department. One person wrote that “...they seem to be pre-occupied with maximising land value and/or profit...”. Others said that “It worries me that the arguments have reached stalemate and that the interested parties have become so entrenched in their own beliefs...”; and that “...these

people with their voracious appetite for land anywhere to build on must be tightly controlled and not be allowed to bully or intimidate the Planning Department...” . “The planners should decide what is needed and then see that it is built” . At the forum one comment was that the schemes are “...developer-led – planning are trying to catch up...” and there were concerns expressed about the procurement methods and the sale of land to a particular developer.

Most comments praised the purpose and organisation of the Forum itself though there were a number of concerns about the format and a few more serious expressions of cynicism about the whole of the process. The questionnaire was criticised, as I have mentioned already, but there was a division of opinion about the presentations on the day – some felt that there was nothing new in them, while others felt that not enough information was given. Some, perhaps more experienced in these events, disliked the arrangements for discussion in small groups, but others were extremely enthusiastic about it and felt that they would not have been able to contribute in other ways (“I could hold my own around that table today, but usually I could no more stand up in public and speak than fly”). A small number of people took exception to the emphasis on the potential economic benefits of the scheme.

Discussion

The process so far does raise matters of concern.

The mediocre quality of what has happened so far is an Achilles Heel. I know little about the history of the present developments, but their unpopularity makes it inevitable that there will be concern about the likely quality of future buildings on the site.

I return to this matter later in this report where I deal with design issues. **But it cannot be stressed too strongly that on this occasion the States must not settle for second best and must be prepared to insist on the highest quality of development even if this means some delay.**

I have not talked directly to WEB or the developers, and I am sure that they would be justified in taking exception to some of the stronger comments about their approach to the schemes. But I think it is necessary to be concerned about the view that WEB seem to be leading this process, rather than the States. And, even more, about the view that WEB (and the developers) are aggressive in doing so. Comments included: “...much of the delay has been the relentless pressure from the developers to increase the building density.....moving the goalposts, particularly making them taller and wider, is bound to attract adverse and justifiable comment”; and “Developers who tried to woo public opinion with their glossy brochures and presentations before their plans...had even been submitted to planning haven’t helped”.

Though I can very well understand WEB’s frustration with the slow pace of decision making, I do not think they do themselves any favours by this approach. I think they have to recognise that the Minister and the planners are struggling with a very high level of public concern, and that they are trying very seriously to find a solution which satisfies the people of Jersey as far as possible (it will never satisfy everyone, as I have said).

This is a problem which ought to be capable of solution, because though the aims of the parties are not identical, they are similar and a continuation of this apparent conflict is in nobody’s interest. WEB are after all accountable to the States. I think this is a matter of

culture rather than process. It requires an acceptance by WEB of the role of the Minister and the planners, and an acceptance by the States that they need to come to a decision reasonably quickly.

I recommend that a way is sought to try to establish a new and constructive relationship between WEB, Ministers, and the Planning Department. Ministers need to consider how this might be achieved. The outcome of this must include a reassurance to the public that there will in future be a balance between the financial issues (the importance of which I do not under-estimate) and other issues involved in this development, and that the decisions to be taken by the States will reflect public concerns as well as the business needs of WEB and the developers.

As to the second issue – the forum and the current consultation process - it is encouraging that there were relatively few concerns expressed about it. I think the Minister can be pleased that his efforts have produced such a large response.

2 General views and aspirations

The issues

1 What is, or should be, the relationship between the Waterfront and the rest of St Helier?

2 In general terms, what are the aspirations of consultees for the Waterfront? What are the main aims and potential benefits?

The views expressed

Relationship with St Helier

There was concern that the planning of the Waterfront was proceeding separately from the planning of the rest of St Helier. It was argued that the Willie Miller work on Urban Character Appraisal should be completed for the whole of the town, and that the St Helier Regeneration and Development Strategy work (being led by EDAW), which has recently commenced, should be completed before decisions are made on these schemes. It was felt that both in functional and visual terms it was unwise to separate the two.

This view was rooted in many concerns about the likely effect of waterfront housing, office and retail development on the existing town's economy. Many very thoughtful comments were made on this point and I return to them when dealing with individual topics later. In general however many respondents were very uncertain about this relationship and did not feel that it had been explained adequately.

A particular issue which arose was the extent to which the new development area would be functionally part of St Helier and the extent to which, in practice, it would operate as a separate centre of activity. There was a very clear view on this in the great majority of responses on the issue. The Waterfront must be linked to St Helier; the two areas must inter-relate; transport and pedestrian links must make movement between the two easy and convenient; a development which was effectively separate from the town would be unacceptable. "Avoid creation of a new town on the waterfront that will require separate facilities[and] compete with existing town". "A town quarter separated from its host will atrophy and die...". "Island residents and visitors alike must feel that St Helier and

its Waterfront are two parts of the same place”. Again I return to some of these points later.

The views of the Constable of St Helier are worth quoting at this point:

“The development of the Waterfront is seen by some as a threat to the rest of the town of St Helier. I prefer to see it as complementary. An exciting waterfront development that attracts new tourists, will also attract new visitors to help in the economic revival of central St Helier while new facilities.....will add to the existing leisure amenities provided in St Helier for all to enjoy”.

Aspirations

It is hard to summarise the aspirations of respondents for the waterfront. They ranged from, on the one hand, those who wished to see the land remain as open space, or at least to remain undeveloped for some years, to those who wished to see exciting and varied developments as soon as possible.

Amongst the comments from those in the latter camp were:

“...the virgin land gained by reclamation should be developed in a manner that reflects the 21st century. Let us see a vision of the future and not dwell in the past, and most important GET ON WITH IT”.

“...the waterfront is “new” Jersey and I believe that some radical ideas need to be introduced”.

“The waterfront presents a very exciting opportunity, especially for the younger generation, we need to get on with it”.

At the Forum there were comments that “we want...something prestigious...”, “...show ourselves as a world player..”, “...something iconic – asset to the Island – like a magnet – brand new hub”, “an area to be proud to take our friends and visitors” – and others along these lines.

But these were far from being universally held views. There were many who wanted to see something on a smaller scale, which they would regard as being more in keeping with the Island. Often these comments referred to design/high rise – which I deal with later – but there are those who see no need to rush to develop this land and feel that it can be preserved for future generations.

As to the use to which the land should be put, there was a wide variety of views. There was a general consensus at the Forum that mixed uses were both desirable and inevitable. I deal with the main land uses in turn in the next sections. There were some reservations from individuals about each of the main proposed uses – houses, offices, retail and leisure. But there were also many who saw the value of housing, partly as a way of reducing the pressure on open land; and many who saw the benefits of economic growth and job creation. (“All protagonists need to recognise that developing the waterfront will be a major engine for economic growth over the next decade; we need such an engine, and to be blunt, there are few other candidates...”). There was a view that the uses should be more mixed “...areas have been too simplistically cut up and severed from one another, which will create dead voids during evenings and

weekends...”. There were also particularly strong demands for more, and better quality, open spaces; and there were references to various community facilities.

Discussion

The first set of issues, about the relationship between St Helier and the Waterfront, seem to me to be critical. I believe they are more important than the question of high buildings, which has raised so much comment. I think they should be at the heart of all the discussions. I accept the general view that the Waterfront should operate as a part of the town and not as a separate unit. I think it is regrettably true that it would have been better to complete the EDAW work before the completion of this exercise, in order to look at the structure of the town as a whole, but I am instructed that that is not possible. However, in the development of the EDAW work and in the implementation of policies in the revised SPG this issue should assume the greatest importance; it particularly affects transport policies but also the uses on the site – which I discuss later.

I recommend that greater emphasis is given to the need to link the Waterfront development to the rest of St Helier through the development of transport and other policies.

It is much more difficult to comment on the other aspirations which were expressed and which I have briefly described. They are widely variable. The point about avoiding the creation of dead areas at evenings and weekends is worth stressing however.

Once again it is clear that the Minister has an impossible task in trying to reconcile the views of respondents to this exercise and some of those who took part in it are inevitably going to find – whatever the Minister decides – that their views will not prevail.

I think it is fair to say, however, that although there are many reservations about important details, the general view is that this is an opportunity rather than a threat and that development should proceed – with the vital proviso that it is of the highest possible quality.

3 Specific Land Use Issues

Housing

Issues

- 1 Is housing an appropriate use for the site?
- 2 Are there any particular issues in relation to the types of housing to be provided?

The views expressed

This was not one of the most controversial issues but there were some people who had reservations about the use of the waterfront for housing. Generally these were about the **need** for new housing – “Who is going to live in all the apartments...?”; “we already have a large supply of empty flats...”; “...the towers are hardly likely to address the need for social housing” etc. Some were concerned about increased immigration: “All that it will do is having more people coming over from other places when Jersey doesn’t even need them”. It was also argued that this site is too remote from the main town and

that there are dangers in crossing roads etc to get there; that it is a harsh and noisy environment.

On the other hand there were those who were very much in favour of housing here because it would relieve the pressure on open land elsewhere. The population of Jersey, and the number of households, will grow (even without immigration) and there will be people "...expecting decent housing, all of which we will have to build somewhere...". It was suggested that more homes would lower house prices. The Constable of St Helier wrote: "I welcome the potential for new accommodation on the waterfront; creating new housing units in St Helier is sustainable, reducing the demand for greenfield sites, reducing the pressure on the Island's roads as people can walk to work, and adding to the town's rich sense of community".

A majority felt that housing should be part of a mix of uses.

On the second issue, there were concerns that large numbers of flats would not meet local needs; flats, especially in towers, would be particularly unsuitable for family use and the need for greenfield development would therefore remain. There were arguments for a mix of house sizes, and it was also argued that a significant proportion should be affordable.

Discussion

There was not evidence of a widely held opposition to the use of the land for housing. Though some of the pros and cons were intelligently discussed, and some useful points were made, it seems clear that housing will form a significant element of the development. I am aware of the fact that affordable housing has already been provided on the Waterfront as part of the earlier scheme. I would expect that the points which were made about the need for a mix of dwelling sizes will be taken into account in the design of the scheme, but I make no specific recommendation on this subject.

Offices

Issue

1 Are offices an appropriate part of the mix of uses on the waterfront?

Views expressed

There were relatively few comments about offices, and the points which were made were in some ways similar to those on housing – in particular people doubted whether there was a demand for the space which was proposed. There was concern about the possible effect on the rest of St Helier, with several people pointing to the empty offices which already exist in the town.

The argument in favour of offices is of course about quality. It is argued in the economic growth strategy and elsewhere that there is a shortage of the kind of offices which modern financial service companies require. The moves which have already taken place towards the Waterfront were cited as evidence of this. There were suggestions for other uses of vacated office buildings. I received some statistical evidence in support of this view. Local Surveyors indicated that there is now "...considerable pent up demand...confirmed requirement for [2007-2009] totals 560,000-620,000 sq ft from 14

large occupiers...for modern Grade A offices....the quality of much of the current office stock is not suitable...". Other surveyors, on behalf of WEB, gave a similar view.

Discussion

This is a matter of concern to some respondents, and the question of the effect on the rest of St Helier is important and needs to be dealt with as part of the wider strategy. In the case of offices, I am satisfied, however, that there is a case for additional modern office space to be provided on the waterfront. The financial services industry is obviously important to Jersey, growth and mergers are leading to particular demands, and I accept that the older offices in town are no longer suitable for their needs.

However it is vital that the St Helier Regeneration and Development Strategy considers the issue of the vacated office buildings – as I am sure it will – and that practical and effective proposals for their re-use (boutique hotels, residential, and retail were suggested during the consultation) are put forward.

Retail

Issues

1 To what extent is retail an appropriate use for the waterfront, bearing in mind the relationship with the present retail area of St Helier?

2 What types of retail would be appropriate, and on what scale?

Views expressed

This is an important issue, and goes to the heart of the relationship between the Waterfront and the remainder of St Helier. All of the comments I received were making the same point – that, as one put it, “The retail component conflicts directly with the viability of the retail centre in St Helier...”. The Chamber wrote that “...a major retail proposition on any of the areas forming part of the Waterfront will fundamentally damage the existing retail offering in St Helier”. Others feared that “St Helier will become a ‘ghost town’, both markets will close..” and “It will probably be the death knell of the Central Market as well as central St Helier”. It was suggested that there was no demand for new retail space, and that the customer base is finite. There were several comments along similar lines at the Forum, though there was support for “boutique” shopping and specialist retailers.

The representations of the Parish of St Helier concentrated on this issue. They said: “It is the retail element ... that is opposed by the Parish... We do not want to see the Waterfront become a destination of choice for shoppers.... There is a real danger that any significant amount of retail on the Waterfront will effectively create an out of town shopping centre which will be harmful to the historic retail core...”.

A further comment was that “Some retail element is inevitable, but it should be limited so as not to adversely affect the current town centre...” and it may be here that the clue to the solution lies.

Discussion

It must be acknowledged that there are advantages to the inclusion of retailing within the mix of uses on the Waterfront. Firstly, it is necessary to provide services for those who will live and work in the area. Secondly, I support the view that there needs to be life and vitality in the area and that retail activity is one way in which this can be encouraged. It is also the case, if this is to be an area which is attractive to visitors, that an element of retail might be welcomed by them. Cafes and restaurants (which were the subject of some – but rather less – concern) are particularly likely to be attractive, to bring life in the evenings, and to be able to take advantage of views and the Waterfront environment.

I am aware that there has been a great deal of discussion of this issue and that there has been a study by Experian. (It accepts the Waterfront schemes as commitments and does not comment on them). The economic strategy and PWC report are also relevant. I do not have the opportunity to become an expert on the statistics and the technical issues involved, and I know that there is ongoing work to consider this. But in the light of the comments received and my own experience, I do believe great care needs to be taken over this element of the development.

I do not think the Waterfront is the place to make up for any shortage of floorspace in the Island generally. I believe that, for example, the development of large supermarkets would be a mistake, and might damage the markets and other shops in the town centre. Attracting shoppers by road from across the Island to come to the Waterfront for convenience goods, using the car parking which is to be provided, would not make sense in transport terms, quite apart from its other effects. The Waterfront must be complementary to, and not competing with, the town centre. Retail development has a valuable part to play, but it should be limited generally to:

1. Shops providing for the local needs of residents and office workers in the Waterfront area
2. Specialist shopping likely to appeal to visitors
3. Cafes and restaurants

From my understanding, this is broadly the intention of WEB in any event. But it is important that this position is maintained in the longer term and it may be necessary to control the use of retail not only through planning conditions but also through other forms of agreement.

I recommend that, while retail development is an important component of the mix of uses on the Waterfront, rigorous policies should be in place to ensure that it does not have a damaging effect on the town centre of St Helier.

Leisure, tourism and open space

Issues

- 1 What are the potential benefits of leisure and tourism?
- 2 Are the open space proposals acceptable?

Views expressed

There were many suggestions for leisure facilities which might be provided on the site – so many that it is not possible to list them all. But one of the themes was that it was

important to provide for young people. Schoolchildren made some interesting suggestions, including an ice rink, aquarium, discos, a night club, skateboard park, go-karts, trampolines, stadium, recording studio and so on. They suggested a performing space – and others referred to an open air theatre or amphitheatre. A casino was mentioned more than once, as was a fitness centre/spa.

There were somewhat mixed views about the proposal for an Art Gallery. Some felt strongly that this would be an excellent facility and would draw people into the area; others that there were already plenty of galleries and museums and that there was no need for more. There were mixed views about the viewing gallery too, and it was pointed out that the need for separate access requirements might have an unacceptable effect on the shape of the building and rule it out.

There were very few comments on tourism, though there were some mostly (but not unanimously) welcoming remarks about Center Parcs. Some were concerned that hotels would draw trade from existing establishments, but others recognised a need for better quality accommodation.

There were, however, a large number of comments about open space, both at the Forum and in letters. Open spaces are as important as the buildings, it was said at the Forum. One letter suggested that the debate about “... tall buildings ... important though it is, eclipsed a much more important issue from my perspective, that of the quality and accessibility of public open space”.

That letter went on to say that “...I see little evidence of good public space materialising west of Albert as for the rest [ie excluding the boulevard and some of the Dandara spaces] the public areas are the bits left over between buildings or.....SLOAP (spaces left over after planning)”.

Others expressed a wish for substantial open spaces and plenty of trees and shrubs. “What we want to see is greenery. Space. Nature. ...Real trees rather than bronze ones. Proper landscaped areas with enough room to run, jump and move in...” (from a group of children). There were many references to informal use – sitting, socialising, gossiping, sun worship, and so on. Parks were a priority for the schoolchildren. It was often stressed that open space should be accessible in perpetuity, and open at all times to the public. The climatic conditions were often recognised, however, and this places constraints on the developers. There was also recognition of the importance of maintenance, and the need to provide financial resources for this purpose in the longer term.

Discussion

I make no comment on the list of leisure facilities; I do not think I have the information to know what is practical and affordable. But the Minister will note the wish of Jersey people that facilities are provided for them – and particularly for young people – as part of the development. I do feel too that **in order to achieve the life and vitality which everybody wants to see, the provision of facilities for visitors – whether an Art Gallery or some other similar use – would be a valuable part of the mix.**

The open space issue is important and I agree with the person who commented that the concentration on the tall buildings issue was distracting attention from this question.

The Waterfront Planning Brief which WEB have sent to me contained some brief advice on open space issues, and an Appendix entitled "Land Use and Civic Gardens Strategy". The Masterplan Design Statement of Jan 2006 also contained some well illustrated proposals for open space provision. There may be further information which I have not seen, but I am not entirely convinced by these documents, given the level of public interest in this issue. There is nothing wrong with the advice they contain; but they do not give a picture of how the public realm will appear across the three sites. It is important to be able to understand vistas and views – how people are drawn on into the site, how they find their way around, how they are excited by the experience – the basics of urban design and landscaping. It is particularly important that the key links into the site – especially the bridge but also the crossing from the roundabout – lead into an attractive space which encourages the visitors to move on through the site and draws them towards the waterfront itself and the facilities on offer in the development. I understand that the bridge at present leads into a potentially unattractive space with vehicle movements and blank walls; if this is so, it is not satisfactory either from an environmental perspective or even from the point of view of the success of the developments themselves.

It ought not to be difficult for WEB to produce an open space/public realm strategy which gives the Minister and the public a much better idea of the likely provision and quality of publicly accessible open space, and of the connections between the sites. I think this would provide a basis for the debate about open space which has been overshadowed by the buildings issue; it may not lead to many change in practice but it would provide reassurance. **I recommend that a public space strategy should be produced which sets out the inter-relationships between the three sites, the anticipated treatment of both hard and soft landscaped areas, the arrangements for satisfactory public access, and the proposals for the management of the open space.**

Public Art

Issue

Is the public Art Strategy adequate?

Views expressed

This is a topic where, perhaps, there was a significantly greater response than might have been expected. Very many letters referred to the need for sculptures, fountains and other works of art as a major public benefit of the developments. A States Member drew attention to the need for a comprehensive percentage for Art scheme to be introduced in Jersey before any permissions are given, and others referred to the same principle.

Discussion

WEB does have a public art strategy, which is set out in the Masterplan Design Statement and elsewhere, but there is no reference to it in the SPG. **There is, however, a public art policy in the Island Plan (BE12) and I recommend that this is reinforced by references in the SPG.**

Transport and linkages

Issues

- 1 Are the linkages between the Waterfront and the town adequate
- 2 What other transport issues need to be taken into account

Views expressed

There was a very great deal of comment on the question of linkages, with a general feeling of dissatisfaction. It was in particular one of the main issues which was reported by the groups at the Forum, with a long list of comments.

Clearly there is a significant distance between the site and the town centre, with a major road acting as a barrier. There was a feeling that the bridge which is proposed is not adequate. "...there was surprise that such an inappropriate location had now been fixed....the major 'desire path' crosses the underpass in the region of the flyover and not to the west". "There need to be a number of linking connections between St Helier....and the Waterfront. A single connection on the level of a bridge will not work". And (from the Parish) "...the connections between the Waterfront and the town need to be radically improved".

There were a number of suggestions for doing this. At the forum, and in letters, several suggested extending the underpass, both to the west and the east, and burying the road so that it did not provide a barrier. Others suggested that the bridge itself should be wider, perhaps with buildings across it. And both the link across the roundabout and the route from Liberation Square should be improved. The transition across the road had to be seamless, flat, and easy to use.

There were also suggestions about public transport, including a monorail, cable car, tram, or various forms of shuttle bus service.

More generally on transport, there were relatively few comments. The questionnaire circulated at the Forum asked whether there was support for a policy to control traffic and give priority to pedestrians and cyclists; a clear majority (80%) did support this approach. Among other comments at the Forum were: "Current planning law supports car driving culture, could have better public transport..."; "get rid of cars"; and "Jersey has the highest number of cars per capita in the world – crazy....". But, of course, another point of view was represented: "Shouldn't isolate the area from road traffic – people won't go there".

The CTC made some very valuable and detailed comments about provision for cyclists which should be taken into account at the detailed design stage. There was also a plea for better facilities for roller skating around the bay - a smooth surface which would also benefit other groups..

Discussion

I have already said that I think the question of the link with the town is especially important – perhaps more so than the tall buildings issue. In my view the town and Waterfront have to operate together, so far as possible, and easy movement must be a priority. I have sympathy with those who are critical of the present proposals. I appreciate that the world will be a different place when the present development on the abattoir site is complete, and even more when the Waterfront sites are developed. The

proposed bridge should be an attractive feature itself, drawing people towards the crossing point; modern footbridge design can be very exciting and attractive, and in this case an outstanding design should be sought. But it nonetheless seems further to the west than it would ideally be. I think it must be complemented by very much more attractive alternatives at the roundabout and at Liberation Square. The burying of the road and the extension of the underpass would of course be desirable, though the cost is likely to be extremely high and I understand that there are significant technical arguments which militate against it.

I recommend that a study is carried out to examine how links for pedestrians can be enhanced, including very significant improvements at Liberation Square and the roundabout, and any possible further improvement to the attractiveness of the route across the new bridge (including an outstanding design for the bridge itself).

The question of public transport links is also important and I understand that a bus link is suggested. One of the justifications quite reasonably put forward for a substantial level of development on the site is to make such a service more viable. I have no information about the business case for such a link, but **I recommend that a reasonably priced bus shuttle service between the Waterfront and the town should be provided and protected in the long term.** Subsidy may be necessary to ensure this, and it was argued at the Forum that this should come from the developers.

4 Environment/Sustainability

Issue

1 Is sufficient account taken of environmental issues and sustainability in the plans for the Waterfront?

Views expressed

This is another area where the volume and nature of the response was considerable and where views were strongly held. Some of the letters on this topic were very full and repay further study. Schoolchildren were, significantly, among those who expressed concern about this topic. "The environment isn't just an issue for hippies, crusties, or those who eat soya beans. It is everything which surrounds us....It is a matter which deserves to take centre stage".

The theme is that the Waterfront development needs to be sustainable; it needs to take into account all the latest thinking on environmental issues and it needs to set an example – a "benchmark for any future developments within the Island". And: "...signify the best in energy efficiency and environmental design and send a message that Jersey is not only a world class finance centre but that its new business district has exemplary green credentials". Among the topics mentioned were energy efficiency and the use of renewable energy; transport issues, including public transport and cycling; waste management and disposal; the problems of water supply and sewage disposal; light and noise pollution; the sourcing of building materials; forms of construction which minimised the use of energy, including insulation; green roofs; buildings which will have a long life; and biodiversity and ecological issues. An "excellent", or a minimum "very good", BREEAM rating should be achieved.

It was said that the plans seemed to show little if any awareness of the Coastal Zone Management Strategy or the Marine Protection Zone.

A particular issue which was raised concerned the question of Strategic Environmental Assessment; it was argued not only that such a document would be useful but that it was required by virtue of European regulations.

It was argued that the SPG did not pay sufficient attention to this issue.

Discussion

I agree with the view which has been widely expressed that sustainability and environmental considerations should be more prominent in the development of these schemes. They are of course considered in an Appendix to the Waterfront Planning Brief (though barely mentioned in the brief itself) and in Para 7.13 of the Masterplan Design Statement, where some valuable policy statements are made. Once again there may be other material of which I am unaware; but these two references do not give comfort that sustainability is at the heart of the proposals. They look, perhaps misleadingly, like afterthoughts.

There are two ways in which Environmental Assessment might be carried out – either as an Environmental Impact Assessment (EIA) on a scheme by scheme basis (as currently required in the draft SPG) or as a form of “Strategic Environmental Assessment” on the whole of the development area.

I have not seen any kind of strategic environmental assessment and I understand that it is not required by law in Jersey. I do believe, however, that it would have been valuable to produce it. The public, who are exercised about this issue, would have welcomed it. The question arises as to whether, at this stage, WEB should be encouraged to produce it; this need not cause substantial delay, assuming the essentials are already in place (it would cause delay if they were not – and rightly so). The work should be done by an independent consultant specialising in this field, but it may not need to be done to the same level of detail as many Environmental Assessments in the UK, which can be excessively lengthy and detailed.

This would be preferable to individual assessments of each scheme; but given the stage which has been reached there is obviously a case for continuing with the process which had been anticipated and which had been required up to this point. In that event, it should be made clear that the EIAs will be taken very seriously, and must be produced by people with relevant expertise; that the Minister will expect to see comprehensive coverage and a bold approach to dealing with environmental issues; and that each of the EIAs should pay clear regard to what is happening on the site as a whole.

It is of particular concern that one of the documents supplied by WEB suggested that “...it may not be necessary for development of each of the three major sites to require a full Environmental Impact Assessment. There may be circumstances where proposals are not of a sufficient size and/or have no significant environmental effects...”. (Capita Symonds report). In my view this is unacceptable. It betrays once again the problems attendant upon treating the three sites separately. It seems likely to me that each of the sites would in any event be significant enough to require an EIA; but even if that were not the case, the development as a whole certainly requires it, and to avoid that obligation by splitting the development into three would be quite wrong.

I recommend that either:

- 1. a form of Strategic Environmental Assessment of the proposals should be carried out in order to reassure the public that environmental considerations are being fully taken into account; or**
- 2. the individual Environmental Impact Assessments which are required for the three sites should be co-ordinated and comprehensive, and that it should be made clear that they will be rigorously examined by the Minister to ensure that the schemes take fully into account the public concerns.**

5 Tall buildings

Preamble

I deal slightly differently with the question of tall buildings, and with the other design issues which are discussed in the next section. Tall buildings have, by a large margin, attracted the greatest number of comments. In Appendix 1, I set out a selection of the comments, for and against, and the Minister will wish to look at these. It is abundantly clear from these that there are irreconcilable differences of view. People feel very strongly, on both sides.

I go on to summarise these views and to give my own response, and in doing so I deal with some of the other design issues which have been raised. However, there are some further design questions to consider and they appear in a separate section after my recommendations on tall buildings.

Issues

1 Are tall buildings acceptable on the Waterfront?

2 What other factors affect the decision on tall buildings?

Views expressed

See Appendix 1. Of the letters received, there is a greater number opposing high buildings than supporting them, but not by a very large margin. There is also of course a petition. Most of those opposing them are based on visual considerations such as the effect on views of the Castle, the effect on the skyline, shadows, and so on. Most of those supporting are in general terms based on the need for vision and excitement, and the need to be forward looking. There was very much a split view at the Forum too, with perhaps a majority for tall buildings.

The policy background

Many people have based their arguments on the assumption that tall buildings are contrary to policies in “Waterfront 2000” or in the Island Plan. I think it is necessary to be clear exactly what these two documents say.

Waterfront 2000 was predicated on the assumption of a development of up to six storeys (with one small area of seven storeys). The subsequent revision in 2001 (the Felton Plan) was based on the same principle. The question of whether taller buildings might be acceptable in any part of the site was not addressed in either document, and

was therefore neither supported nor specifically excluded. Waterfront 2000 however referred (p 10) to the need to have regard to the existing scale and character of St Helier. It also worried that the development of the Waterfront might be limited by the ability of the local transport and services infrastructure to cope and recommended a further study.

The preamble to the **Island Plan Policy BE5** says inter alia that: "...At certain gateways to the town, on the Waterfront or Esplanade or fronting public parks for example, it is considered that taller structures could act as strong landmarks to the town". It also says that all buildings over 5 storeys need to be "of the highest design quality"

Policy BE5 itself says, in full, that:

"Tall Buildings, defined as those above 5 storeys in height, or rising more than two storeys above their neighbours will only be permitted when the accompanying design statement fully justifies their exceptional height in urban design terms.

In addition to being in accordance with all other policies and principles of the Plan, tall buildings will be critically assessed for their

- (i) appropriateness to the location and context*
- (ii) visual impact*
- (iii) design quality and*
- (iv) contribution to the character of St Helier*

Development proposals which fail to justify their exceptional height will not normally be permitted".

Two things are clear about this policy. The first is that it does **not** amount to a prohibition of tall buildings. The second, however, is that a set of hurdles are erected which have to be surmounted before approval will be given. Much of the rest of this report – and much of the debate – is about whether these hurdles are, or can be, overcome by the present proposals.

It is not clear how the 6/7 storey assumptions of the 2000/2001 documents were overtaken. This seems to have happened without much prior discussion. Many people in Jersey, including some of those very close to the development process, were also unaware of this development until very late in the process.

It is not clear to me whether it was a purely economic motivation, or whether there were design imperatives as well; or whether Policy BE5 (with its hint that tall buildings might sometimes be acceptable) or the existence of further information about the capacity of the infrastructure or some other factor led to this change. I refer back to my comments near the beginning of this report about the way in which WEB have sometimes approached this issue; this lack of clarity is not helpful to their cause. For the purposes of this report and the public consultation exercise, the basis of the debate has to be the current set of proposals which include tall buildings; but I sense that the public reaction which I am commissioned to describe contains more hostility than it might have done because people are unclear how the tall buildings came to be included in the scheme at some point between 2001 and 2005.

The recent **Urban Character Appraisal** should also be mentioned at this point because it is an important and widely accepted piece of background policy. There is much of importance in the document, but it deals specifically with the “New Waterfront” on page 228. It sets a series of objectives which include raising the quality of development, building “...a network of connected streets and places that link easily to the traditional streets of the old town – no culs-de –sac, dead vehicle service areas or underused pedestrian areas”, building on the distinctive St Helier character, and protecting views of Elizabeth Castle. It does not specifically refer to building heights.

The financial arguments

A number of people were concerned that they did not have sufficient information about the financing of the development – what was possible and what was not – to be able to comment intelligently. I must confess that I find this a hardship too. I know very little about the economics of the schemes. Obviously there is information which is commercially confidential – but in the absence of an informed appreciation of these issues it is difficult to reach sensible conclusions. I do understand that the potential developers of the sites will have their own targets and financial imperatives; they will have deadlines which they wish to meet and pressures to make progress. However when a development site is as important as this one, all parties have to accept that particular considerations apply and that – as the earlier schemes have shown – it is unwise to compromise on quality. The public – including those who support the proposals – expect this. I am proceeding, therefore, on the basis of what I think is right in design and planning terms – though with some regard to the fact that there must ultimately be financial constraints.

A related point which was raised concerned the extent to which the aims for the site had been extended from delivering the waterfront at zero cost to the taxpayer to “delivering the waterfront but also generating significant financial revenue for the Island”. It was not argued that such an aim was necessarily objectionable – but that it should be “...absolutely transparently explained to Islanders....the complex economic argument needs to be properly, simply and irrefutably explained”.

Discussion

Firstly, as I have already said, my general impression is that there is no way of resolving this problem to the general satisfaction of the people of Jersey. Though numerically the opposition lobby prevails – because of the petition – this is not the end of the story. As one letter said, “in my experience, in any consultation those who oppose something are often the majority of respondents....I would urge the Minister not to automatically assume that this means popular opinion is negative towards tall buildings”. It is necessary to look at the quality of the arguments too. Many of the comments, on both sides, are (with respect) entirely subjective. Some raise important issues, of course, but others are I think either based on misunderstandings (I do not think that the proposals could reasonably be described, for example, as “towering over” St Helier) or – in contrast – on a degree of wishful thinking about the benefits of iconic buildings.

I must deal with the petition specifically. There seem to me to be three parts to it. The first is a general objection to high buildings, which are described as “overbearing” and “not suitable in this sensitive location”. The second is about specifics – the setting of Elizabeth Castle, the views between the castle and the town, and views across the bay. Thirdly, a limit of six storeys is advocated.

The first point is an absolute statement – albeit a subjective one – that is at the core of the argument and I return to it later. The middle point seems to me to be in a separate category – it seems to me necessary, whether there are high buildings or not to take these things into account; but others would say that they do not rule out tall buildings altogether. The third point – a six storey limit – seems unconvincing to me, and many have expressed a contrasting view. There are already buildings taller than this in the vicinity. And secondly – and I accept this is a subjective point too – it must be at least arguable that a dense and flat mass of mostly six storey buildings would present a particularly unattractive appearance to the outside world and that some breaking up of the levels would be beneficial. It would also limit the opportunities for open space. This I think illustrates the problem which the Minister has. There is no absolute right and wrong here – too much is a matter of opinion.

I should add that I have received representations from WEB regarding the petition. They argue essentially that those who have signed it were not aware of all the information which they needed to have in order to form a judgement – in terms of the planning background, the precise nature of the scheme and the potential benefits. This point should be noted, but the petition must clearly be given due weight.

There are some other very important points which arise from the consultation to which I must refer.

Reclamation

The point was made that the key decision in respect of the waterfront was taken several decades ago when it was decided to reclaim the land from the sea. This has effectively severed the centre of St Helier from the sea. There are now only very limited views of Elizabeth Castle, or of the sea, from the town centre. Many of the concerns which have been expressed about this development are – for good or ill – no longer relevant because events have been overtaken by the reclamation. I think this is a good point which underpins a good deal of the argument – though of course it does not affect issues such as the view across the bay.

How important is height?

There were some very cogent arguments to the effect that height is not the most important issue in this debate – some argued that it was a major distraction from the main issues.

For example “The Parish of St Helier questions whether it is desirable to fix an arbitrary limit to building height, whether at 6 storeys or at 26, or to restrict developers to a single tall building.....A majority of Roads Committee members believes that the key issue relates to design and that if the building(s) had sufficient presence, height would not be problematic”.

Another person argued that “The debate seems to have been reduced to one of height alone, and my fundamental criticism of this approach is not that I necessarily feel opposed to high quality high rise architecture (I am not) but that the whole discussion needs to be raised in standard in terms of its intellectual, objective and cultural awareness”.

The Association of Jersey Architects, in their comments at the Forum (a written copy of which has been supplied) make similar points. The Sandover Report “..is prescriptive in absolute building height – why? Height alone is not relevant. Elegance + proportions – slenderness [are] more important visually”.

I think these are important points.

What is the character of St Helier anyway?

There were a number of comments to the effect that it was neither possible nor desirable for the Waterfront to reflect the rest of St Helier. For example: “Has St Helier a distinctive identity and character? In terms of architecture, it could easily be argued that it is more a jumble of different styles with little or no degree of co-ordination...”.. Another described St Helier as “...a regrettable architectural melange...”.

This does not imply any lack of affection for the town, and there were comments to the effect that SJH should concentrate their efforts on preserving what is best in “old” St Helier.

The three sites

A comment which I have already stressed is the need to bring the planning of the three sites more closely together. “...a considerable amount of planning and design is required which will draw the disparate elements together to provide a cohesive and engaging vision”. “The Waterfront lacked overall vision and...had there been a single architect in control that may not have occurred” (comment at a “surgery”).

The quality argument

Many of the responses refer to the need for quality in design. “It is important that, whatever the height, such a building is iconic, being so special in design and appearance that most people would admire it” (from a States Member). Whether tall buildings or not, there is a concern about this and – as I have indicated earlier - a worry that the performance so far has not been adequate. So the issue here is primarily – how do you provide a degree of certainty that the design will be of the highest standard? While noting the difficulty of agreeing what is a good design, I stress that for many people this is a pre-requisite of any acceptance.

My view

There are still some important design issues to consider but it is necessary to come to a view on the single, and particularly contentious, issue of tall buildings.

I have considered and indeed agonised over the conflicting views which have been expressed – as the Minister will no doubt do too. I regret that there will be those with deeply held views who will be unhappy with my conclusions.

I think firstly that those who have said that there are issues which are more important than tall buildings are right. I think the functional question of the link between the Waterfront and St Helier is a much more important issue for the long term prosperity of the town and the Island. I also think that some of the issues at ground level – the open space strategy and the appearance of the “public realm” will be more important to more people more of the time. And I agree with the Parish, the AJA, and others that even in

relation to the buildings themselves, it is the quality of the design rather than the height which really matters.

It is not in my view right to exclude tall buildings from the development provided they are of high quality. I am not convinced by the general argument that they would be overbearing or inappropriate. I do agree with the argument that views – for example of Fort Regent and Elizabeth Castle – should be taken into account in the detailed design. The Sandover Report sought to analyse this issue in some detail and I cannot add to its findings here. But I do not think that this rules out tall buildings. I do not believe a uniform height of six storeys would necessarily be attractive, either within the development (it would be as likely to create wind tunnels as taller buildings would) or from more distant views. I think the inclusion of tall buildings could – and indeed must – mean that there can be more space around the buildings for people to enjoy (and this should be a requirement in the SPG). They would reduce the demand for development elsewhere in the Island, and would help to create a critical mass of people in the Waterfront which could create life and vitality, and provide sufficient support for facilities such as shops and bus services, without covering the whole site with building. I think that if well designed they could add to the attraction of St Helier without in any way damaging the existing town (from most of the town centre the buildings would be invisible). In short, even without the promise of “planning gain”, which ought not to determine the outcome, I find in favour of tall buildings – provided they are of exceptional design.

But there are two further questions. How high? And how can we be sure that they will be of high quality?

I agree with those who believe that it is wrong to set a height limit. It all depends on the design. A slender and elegant 20 storey building would be better than a lumpy and bulky 15 storey one. So I do not think that a somewhat arbitrary height limit should be set. Width and depth, variety in rooflines, views and gaps are also key design considerations. I think it would be difficult to design a scheme above 20 storeys which does not have unacceptable effects but this is something which would have to be considered in relation to specific schemes.

Attention has tended to focus on the tallest building(s) proposed for the Castle Quays site, but it is important to be clear about the plans for buildings of up to 11 storeys on the other sites. The same principles apply to them. Whilst an arbitrary height limit seems to me to be inappropriate, it is essential that any such buildings are well designed and that they respect their surroundings. Regard must be paid matters such as views and vistas, to elegance, proportions, variety, and respect for surrounding buildings. While the Island Plan refers to taller buildings at, for example, gateways, it requires them to be appropriate to the location and to contribute to the quality of St Helier. This means that quality is every bit as important in these cases as it will be in the case of any taller buildings, and the SPG will need to deal clearly with this issue.

How does the Minister ensure that the quality is high?

Firstly he must make it absolutely clear to WEB and the developers that nothing short of the best will be accepted. He must be absolutely clear that there will be no repeat of previous cases where lesser quality has been accepted. The States should indicate that they will refuse permission, and accept delay, rather than allow anything less than the best.

Secondly, it has been suggested during this exercise that a truly top quality architect of international repute should be brought in by the developers, at least to deal with the tall or “iconic” building(s). “I believe that the answer to getting the best buildings is simply by using the best architects...”. The present architects are unlikely to warm to this idea. But with due respect to their skills, it may well be that the public would be re-assured if this happened. Jersey might – to mention the aspirations of some respondents – get a building(s) of truly international quality which visitors would wish to come and see.

Thirdly, it has been a repeated theme of this paper that the relationship of the three sites is one of the key issues and concerns. This has been raised in relation to open space strategy and environmental impact, as well as in relation to the content and character of the schemes themselves and it needs to be addressed. This might be done by WEB in various ways – perhaps by the existing team, perhaps by appointing a masterplanner for the whole site, or perhaps by using any architect who might be appointed to design key buildings. This exercise needs to be carried out very much alongside the Minister so that he is able to appreciate and support these relationships.

Fourth, a process for dealing with the developments needs to be established which has quality built into it, which counters the tendency towards the dilution of design which is not uncommon on commercial projects, and which puts the States and the Planning Minister in particular in the driving seat. There are essentially two ways of doing this.

1. The appointment by the States of a single skilled and experienced master planner, an “architectural supremo”, advising the Minister on the development of the schemes for all three sites. This would have the advantage of bringing the three schemes together to provide a consistent approach. The individual would need to be available to negotiate alongside the planners with the developers – but with a degree of independence and a brief to be tough. This needs to be a person of the highest calibre – a very great deal will depend on his or her advice. Or:
2. The establishment of an independent design panel to advise the States. There are precedents for such bodies, Plymouth being a notable example. It has the advantage of bringing to bear a range of relevant and expert views. The panel should be chaired by a person of repute, with design skills and experience. It should include other individuals specialising in design, but also a person with commercial expertise (both to make sure the panel is realistic in its comments, and also to ensure that the panel is not misled over commercial imperatives). Though it may not be popular, most of these people will inevitably be from outside Jersey, though there should be a representative of the AJA. This is both to avoid conflict of interest, and to ensure that the best and most independent people are recruited. The panel would need to be fierce in its determination to ensure that only the best is accepted.

Recommendations

So I make the following recommendations on this topic.

Firstly I recommend that tall buildings are acceptable on the site provided the quality of design is sufficiently high.

Secondly I recommend that there should be no arbitrary height limit established, but that the SPG should contain guidelines concerning such issues as height, bulk, rooflines, gaps, vistas, the protection of views etc.

Thirdly I recommend that the Minister adopts a clear policy that he will accept only the very best design and that he will be prepared to see delay in the implementation of the scheme rather than accept second best.

Fourth I recommend that the developers are encouraged to consider appointing an architect of the very highest standard, with a brief to design a scheme which will be of international significance.

Fifth I recommend that WEB are encouraged to establish a clear mechanism to consider the relationship between the three developments, working closely with the Minister.

Sixth I recommend that the States should either appoint a very high quality design adviser, or establish a design panel, to advise the Minister on the development of the three schemes, with a brief to ensure that high quality design is achieved.

I believe that in these ways those who are understandably very concerned about the very principle of tall buildings might be reassured that their concerns will be taken into account and that a good solution can emerge from this very difficult situation.

6 Other design issues, and materials

Issue

What other design issues need to be considered?

Views expressed

There are three particular questions which were raised during the consultation, some of which I have touched on earlier. The first is specifically about Elizabeth Castle; the second is about the podium level; and the third is about the style of design and the type of materials to be used on the site.

Many respondents were concerned about the effect of the development on views of Elizabeth Castle – "...an outstanding iconic building". Any tall building should respect the Castle and the various views of it. It was suggested that the Castle should be the focal point of the development and that the scheme should "...attract both the eye and visitors/consumers themselves towards the Castle". But others argue that in fact any development of tall buildings would be 1 kilometre away from the Castle and would not be likely to affect views of it.

There was concern about the "...height of the podium on the Castle Quay scheme..."; one letter said that "By concentrating on height as a main issue Sandover seems to dissociate the quality argument from the lower scale (podium) issue with which the public realm will most engage".

On design and materials, there were almost as many views as respondents. The Forum questionnaire asked about this. 41% felt that the design should create a new modern style quarter; 17% felt that it should strongly reflect Jersey's traditional style; and 43% that it should be a mix of modern and traditional. In the discussion, there were those who found it hard to define what the "Jersey vernacular" was and there were many who

had an open mind or who wanted something different. But others wanted a more traditional style, and there was particular comment about the very large development blocks – St Helier’s character is of small plots and narrow streets and this should be reflected. One said: “...the Waterfront should provide future generations....with the feeling that we properly understood the grain of St Helier and were able to confidently represent this...”. But another said “I see merit in designs that distinguish “new 21st century” Jersey on the Waterfront from “old Jersey”to try to copy “old” St Helier in today’s new area would be artificial...”.

There was concern, again, about the landscaping and open space. But there was no agreement about materials. Some were implacably opposed to glass, others (including schoolchildren) strongly in favour of it. Some wanted plenty of Jersey granite, others thought it would be overpowering. The schoolchildren, perhaps not surprisingly, veered towards a more modern approach to design. If there was a theme it was that a mix of modern and traditional materials should be used, with perhaps a preference for the former.

Discussion

I have already mentioned Elizabeth Castle. It is of such importance to the people of Jersey that its presence must be respected. Though views of the castle from the centre of the town have already been severely diminished by the reclamation, this makes the remaining views, and the opportunity to provide new ones, all the more important. **I recommend that in completing the design of the development, the setting of Elizabeth Castle should be a primary consideration.**

The question of the podium level is a matter which designers need to consider carefully, and I agree that this issue has tended to be overlooked because of the obsession with height.

On the question of style and materials, I make no recommendation, but pass on the mixed views which have been received during this exercise which I have briefly summarised. Both WEB and the Design Adviser or Panel which I have proposed should be made aware of these views.

Appendix 1

Tall Buildings – Summary of views expressed

Petition

A petition of some 5000 (at 27 March) signatures organised by Save Jersey's Heritage has been received opposing the inclusion of tall buildings on the waterfront

This followed a meeting on the beach, also organised by SJH, on Sun 19th March attended by some 700 people (this is the SJH figure – I have been given both higher and lower estimates too).

Letters

The following quotations are intended to typify the responses received; there were many more comments on both sides but they tend to repeat points already included in this list.

Quotes from letters AGAINST tall buildings

Any proposal to include a large structure over six storeys in height really is quite horrific...the motives of those developers proposing such schemes are blatantly driven by money...

...any development of height has impact elsewhere – therefore the presumption should be against tall buildings.

I would like to see the waterfront stay with lower storey buildings.....why should these grand buildings be put in an area that frankly should be kept quaint

I would like to record my objection....these buildings will dominate the skyline and coastline of this beautiful Island

It would look out of place for any building to be more than six storeys high

It is so important not to ruin the views we have of the sea

The current proposals would create a wall of concrete between St Helier and the sea

I am another one who doesn't want to see huge towers towering over St Helier

Some people wrongly assume that young people are in favour of the high rise towers...because they will look modern and expand the area used by many youths today. They could not be more wrong...does not fit in with the Island....view of the castle would be lost from the town (Note - This is one of several very similar letters from young people)

Any tower block would be an unsightly image of Jersey....I (as does my wife) vote against all development including high rises on the waterfront

Our tiny Island does not need all these high rise buildings

..absolutely totally out of character to the rest of St Helier and stick out like sore thumbs.

Jersey is not Monte Carlo...

We fear the impact of tall or massive development on the iconic stature of Elizabeth Castle and Fort Regent (Societe Jersiaise)

Tower blocks would be out of character and would ruin the bay and our lovely view of Elizabeth Castle

If we are to maintain the Fort and Elizabeth Castle as a significant historical backdrop...the highest limit to a building sitebe limited to 11 storeys

I am fed up with WEB and their partners in their determined approach to totally overdevelop the whole area

The drawings are incredibly clever in the way they disguise the true scale of the proposals

Tower blocks are in my experience ugly, overpowering, and block out so much of the natural environment

If on the Waterfront they build a high rise
It will block these views from our eyes....
Please consider the words we have put in this poem
When you make your decision Senator Cohen

I do not want to pierce the skyline with a tower that....will inevitably spoil the view of the dome of Fort Regent

I happen to believe that it has now become critical that nothing be allowed to further compromise the skylines of Jersey

A large scale building located anywhere in St Helier would have an abrupt public social, economic and environmental impact. The building is primarily there to service the private needs of individual local and international investors.....I believe the towers would be violating the distinctive character of St Helier...

...no amount of attention to architectural detail will mitigate the effects of a building that is too big for its setting

I am very much opposed to the building of any high rise buildings on the waterfront...ideally anything exceeding 6 storeys, and certainly not exceeding the height of the Harbour Heights apartments...

..In summary we [SJH] reject the conclusion of Mr Sandover's report that there is a case to be made for high rise.....the developers' highly misleading photomontages....give a shamelessly selective vision.....towers are so commonplace now that they are

banal...a limit of six floors allows for very high levels of density. (SJH provide a detailed critique of the Sandover report and make further points in a lengthy letter)

Quotes from letters IN FAVOUR of tall buildings

...oh we hope you will go for the towers lobby – and something exciting rather than the 4-6 storey buildings some demand....we both feel we know the Island and love it

As a senior citizen and someone who is Jersey through and through.....and dearly loves this beautiful Island I want to say that Islanders have been innovative for centuries...let us now be men and women of our era and put the very best modern ideas forward...I personally love high rise buildings as long as there is lots of space around....

Of the three tower projects Dandara's first was to my mind the best. Three towers create perspective, contrast and balance.....The most important thing now is to make a decision. I hope this will be for tasteful high rise up to 20 storeys.

The SPG...is concerned with design and the visual aspects. There is little, if any, consideration of the economic, social and financial issues.....agree that a relatively tall building or group of buildings could add visual interest to the skyline (Chamber)

High rise buildings are points of emphasis. Visual impact brings objections from those hating anything new....I feel there should be a graduated effect... two medium towers and one iconic tower

Personally I am not against taller blocks and I quite like the sweeping design of Mr Kuhne...

It seems there is an organised campaign...in opposition to buildings taller than the Island usually constructs....it would be a shame if pressure resulted in the towers being lowered

...incensed by the attitude of presumably well intentioned locals in opposing tower development....we must build upwards

I deplore the closed-minded attitudes of those who declare that tall is bad....many of these remind me of the sheep in Animal Farm, deluded by their leaders into accepting ideas uncritically

I don't think height should necessarily be constrained by the context [Fort Regent, Chimney etc]....it limits us by the past, rather than giving new opportunities for the future...more than one could be attractive...if the quid pro quo meant more open public areas at ground level

I would support 40+ storey buildings

One or two well designed, aesthetically pleasing and hopefully iconic high rise buildings could be acceptable

You should ignore the very vocal but tiny minority that want us to stay in the dark ages and have no tall buildings

I believe it's time we moved this whole area forward. Height would add a visual interest to what is currently boring and visually disappointing

My wife and I are fully supportive of the latest proposeddevelopment although we would have preferred the ...three towers....

...Jersey heritage should be preserved but equally...virgin land should be developed in a manner that reflects the 21st century. Let us see a vision of the future and not dwell in the past....

I see there is a petition doing the rounds.... "anti" lobby is vocal and given plenty of publicity....is there some way in which the more progressive amongst us can express their view....a series of densely constructed six storey compromises would be disastrous....

There are a number of arguments in support of tall buildings....make better use of limited land availability....a certain density is required to make the whole notion of a new development viable....tall buildings will help facilitate the provision of amenities funded by developers....well designed tall buildings are...more a statement about the future and our confidence in that future than low rise, necessarily denser, development.....if we don't make the most of this opportunity we will face sacrificing more of Jersey's countryside....if compromise determines the future we will arrive at a solution that satisfies no-one...

A waterfront where buildings were limited to six storeys would be dull and uninteresting

Some peculiar pleas for the "preservation" side of the argument have suggested buildings at a lower level than several which already exist...

I have a lot of time for groups like Save Jersey's Heritage but I am not with them on this one....let us create something bold and new

I have no objection to tall buildings provided they are superbly designed

The Forum

Views expressed at the Forum very much reflect those in the letters.

The questionnaires asked participants to comment on the advantages and disadvantages of tall buildings.

As advantages people mentioned, among other things, the positive aesthetic impact a tower could have and the creation of a landmark. Countryside protection was mentioned, together with the "wise use of space", the increase in public open space, the creation of homes, and the economic and commercial benefits.

Those against mentioned visual impact, the danger of poor design, the impact on views and on the skyline, the effect on the castle, the creation of wind tunnels, and the social effects of high rise living.

A number of people said that it was quality that was important – not just height – the design had to be top quality.

The questionnaire asked whether tall buildings would detract from the setting of the waterfront and/or the town or whether they would enhance it. 46 (32%) felt that they would detract; 60 (42%) that they would enhance.

A further question asked whether people favoured commissioning a landmark tall building by an international architect. 49% supported this idea and 28% did not. 10% recommended holding an international competition and the remainder either wished to stick with the present architect or advocated input from local architects.

In the discussion recorded during the day there were very many views expressed about this issue – far too many to summarise adequately. They seem to be fairly evenly split between those who were opposed to tall buildings and those who were not, with perhaps a majority in the latter camp, and they very much reflect the points made in the letters.

SUPPLEMENTARY PLANNING GUIDANCE

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Supplementary Planning Guidance

A review of the Waterfront Development Framework

Introduction

1 Purpose

- 1.1 This document is intended to provide supplementary planning guidance (SPG) for the development of Jersey's Waterfront. In particular it is intended that this advice and guidance will enhance and supplement the policy within the Island Plan, 2002 which addresses the future development of the Waterfront (BE4), and in relation to Tall Buildings (BE5).

This guidance reviews work that has previously been undertaken to provide a development framework for the Waterfront, but also considers the significant work that has recently been undertaken, both on site and on plan. The guidance is intended to direct and assist developers by clearly articulating the objectives and requirements of the Minister for Planning and Environment.

- 1.2 This SPG will provide a revised framework within which new development proposals for the Waterfront can be generated and considered. Developers will be required to address the framework and to justify their proposals against it, and other material considerations.

The guidance requires developers to focus on both the intrinsic merits of the buildings that will occupy the different sites and to address the integration and quality of those buildings with the spaces created around them and by them. It will require a commitment to design quality within individual sites and where sites interface with others. The guidance requires the social and economic implications of the schemes to be addressed, as well as traffic, environmental, service infrastructure and other matters connected with sustainability.

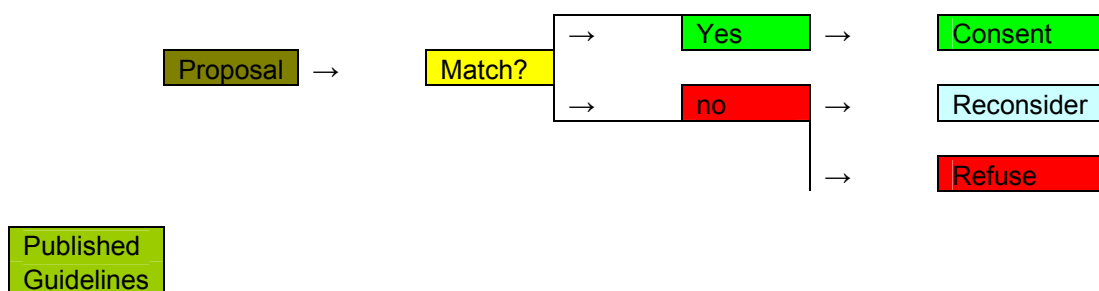
The key point in the SPG is this: it is very clear that the people of Jersey expect and demand the very highest quality for development in the Waterfront. The Minister shares this view. He will accept only schemes which are of the highest quality and the remainder of this document sets out his expectations – which mirror those of the public. This marks a step change in design guidance for the Waterfront.

- 1.3 Notwithstanding this supplementary planning guidance, there are other policies within the Island Plan that will also apply to new development on the Waterfront.

2 Why is a review of the Waterfront Development Framework necessary?

- 2.1 A development framework has to be a flexible and adaptable mechanism. It must recognise and be responsive to the variables that shape its context including any change in the requirements and aspirations of the States, changing market trends, the potential for new and different uses and the growing public awareness of issues around design, environmental impact and sustainability.
- 2.2 Since the current Waterfront Development Brief was adopted in 2001 and endorsed by the Island Plan 2002, the aspirations of the States have been restated and revised in the States Strategic Plan 2005-2010 which is a powerful driver for the changes envisaged for the Waterfront. There is now, for example, no intention to build a new school or police station here. Other work has been undertaken to assess the quality and character of St Helier and to identify what might improve, enhance and consolidate the role and function of the town¹: the development of the Waterfront has a role to play and a contribution to make to these objectives. At the same time there has been a public reaction against the quality of some of the buildings constructed on the Waterfront to date, and it is therefore essential to re-state the determination of the Minister to ensure that in future quality is maintained at a high level.
- 2.3 To be able to respond appropriately to changing economic and community objectives, and for the St Helier Waterfront to be able to contribute to the realisation of these objectives, there is a need for a flexible and adaptable development framework. A revised development framework is required as an essential tool to guide and assist the development and design process and impartially capture and communicate the concepts to the community and to the developers. Without this framework there are real difficulties in addressing schemes within the normal development control process.

The SPG's will be used as expressed in the diagram below.



¹ St Helier Urban Character Appraisal (2005) Strategic Context pp 9-26

3. Review of historic documentation

3.1 Brief sequence of events and decisions made

1990. Proposals prepared by the Waterfront Advisory Group including a substantial area for new housing, were adopted by the States of Jersey.

1992. Specific proposals based on the above were produced by Andrews Downie and Partners, which were substantially adopted by the States.

1993. WEB established

1996. WEB Ltd was incorporated and charged with delivering the Waterfront for the States.

2000. P & E C commissioned Howarth Tomkins Architects (HTA) to produce a Waterfront Design Framework. It was intended that this should be adopted and define the parameters within which WEB and their development partners could prepare proposals. HTA as part of this commission, consulted the community through a weekend-long design workshop (Waterfront 2000) involving some 70 members of the public and stakeholders, in order to inform the development of a revised draft Waterfront Design Framework.

Waterfront 2000 reviewed the appropriateness of the previous Masterplan with respect to future development sites; it defined issues of scale, character and massing for future sites. Key axes, routes, land use and public open space were identified. Development was mostly shown at up to six storeys (with a small section at seven storeys), and the overall massing was presented in a 3-dimensional model. The economic, financial and engineering viability of the framework, however, remained to be tested prior to formal adoption.

2001. Drivers Jonas assessed the financial viability of the Waterfront Design Framework and identified a major budget deficit in the proposals. The St Helier Waterfront Masterplan, produced by Michael Felton Landscape Architects for WEB, updated the proposals of the Waterfront Design Framework produced by HTA and sought to address some of the economic concerns of its predecessor. In summary, the St Helier Waterfront Masterplan maintained some of the principles of the earlier plan but reduced the level of public infrastructure and buildings.

The former Environment and Public Services Committee considered the drawings accompanying the St Helier Waterfront Masterplan to best represent the agreed development framework for the Waterfront in terms of uses and building heights – the building height proposed was up to 6 storeys (similar to the earlier plan). Sites were allocated for a primary school, police station and two major landmark civic buildings.

2002. Land conveyed by the States to WEB in order to allow the development to progress through a public private partnership without the need for further public funds.

2002. The Island Plan adopted; **Policy BE4** states that:
“The Committee will expect all developments that come forward within the Waterfront Development Area to be in line with the approved Development Framework”. (The Felton Plan 2001)

Policy BE5 outlines the potential for tall buildings in St Helier noting specifically the Waterfront and the Esplanade.

“Tall Buildings are defined as those either above 5 storeys in height, or rising more than 2 storeys above their neighbours. They will only be permitted where an accompanying design statement fully justifies their exceptional height in urban design terms. Tall Buildings will be critically assessed for:

- *Appropriateness to the location and context;*
- *Visual impact;*
- *Design quality; and*
- *Contribution to the character of St Helier*

Development proposals which fail to justify their exceptional height will not normally be permitted”

2004. The States of Jersey Strategic Plan 2005-2010 was agreed by the States. This document provides an important backdrop to the development of the Waterfront: the plan seeks to pursue 2% p.a. real growth but it also seeks to protect the environment and to take pride in the Island’s heritage and culture.

The development of the St Helier Waterfront presents the Island with an opportunity to secure something that can contribute to the economic well-being of the Island but which also can also ensure that its unique identity, character and culture is reflected and bolstered. There is an expectation that development of the Waterfront will make a contribution to real economic growth, become financially self-sufficient and produce a return on the earlier investment of infrastructure and reclamation costs by the States. The previous requirement for a new police HQ and primary school on the Waterfront have been removed as community objectives (because of their provision elsewhere), thus creating more commercial development opportunities.

2005. Draft proposals for the three development sites were published by the individual developers and given significant coverage in the local press.

2005. CABE carried out a review of the schemes with a view to assisting the Environment and Public Services Committee to complete an assessment of the different developments and establish a strategy for analysing the implications of the projects both independently and collectively.

2006. Publication of the draft SPG in relation to Tall Buildings (provided by Peter Sandover), and the draft SPG in relation to the Waterfront Development Framework. Both documents went out to public consultation which closed on 27 March 2006. A public forum to discuss both documents was held on 4 March and a large response was received to the consultation which has been taken into account in producing this revised SPG.

4. Connecting with the vision

4.1 Waterfront 2000 captured the community's vision for the future of the Waterfront in terms of its appearance and uses. It acknowledged that contemporary masterplanning is an ongoing process and needs to continually check that original assumptions hold true. The vision expressed in the Waterfront 2000 provides an anchor and link between that earlier work and the current review, and as a basis for testing new aims and objectives. The vision expressed in 2000 was that the Waterfront should provide:

- a lively, modern, maritime quarter which extends the best qualities of St Helier into the 21st Century;
- a new sea frontage which integrates with and complements the heart of the old town;
- a place for everyone, all year round, in all weathers;
- a diversity of uses to bring interest, variety and quality to the Waterfront;
- a mixture of landscaped open spaces with different character and scale for meeting, strolling, sitting and playing;
- priority access for all non-car users – a safe, relaxed environment;
- a variety of urban spaces made with durable, high quality, contemporary buildings and a mix of large and small developments;
- a space for a special building which celebrates 21st Century Jersey;
- a sustainable, manageable and robust development.

4.2 Waterfront 2000 also expressed the view that there was a clear wish to see durable but elegant modern architecture which drew its aspirations from the qualities and character of St Helier. It was hoped that design would complement the architecture of the town in a contemporary manner. There was a strong view expressed that new buildings should not be inferior copies of older buildings. There was also a strong desire to see a 'special' building of outstanding quality which would become a landmark building for Jersey.

4.3 The purpose of the present document is not to restructure that clearly expressed vision, but to build upon it and interpret it in the light of the changing

circumstances and context for development on the Waterfront and of public responses to the consultation. Important determinants in the changing context for the development of the Waterfront include the States Strategic Plan 2005-2010 and the St Helier Urban Character Appraisal.

- 4.4 The Strategic Plan is important because it defines the strategic vision for the Island, and specifically seeks to ensure real economic growth. The application of this objective to the Waterfront, however, requires care. It cannot be viewed as a licence for an excessive quantum of development based solely on commercial yields. Consideration ought to be had of the economic value of various economic activity proposed for the Waterfront to the overall economy of the Island. It is evident, for example, that the provision of office space for the finance sector is likely to generate the greatest economic return in respect of the Island's GDP. The direct economic return from new housing is less evident, other than providing homes for the economically active to live. There can be little doubt that investment in the Island's tourism would be of considerable value to the confidence and profile of the local industry.
- 4.5 Whilst it sets economic goals, the Strategic Plan's objectives for the environmental quality and cultural heritage of the Island are also important considerations.
- 4.6 The St Helier Urban Character Appraisal (2005) can assist in the interpretation and application of the States Strategic Plan for the Waterfront. It identifies some of the potentially 'missing' ingredients of St Helier, to bolster its economic role within the Island and the Channel Islands and to engender a higher quality of urban living and life. It also provides some important parameters within which this economic and cultural development can be delivered; by having regard to the special qualities and character of place that makes St Helier what it is, and which the developers of the Waterfront would do well to have regard to if their schemes are to make successful places that people can, and will, want to enjoy.
- 4.7 Following the extensive public consultation exercise carried out in February/March 2006, a full report of the comments which were received was prepared, with recommendations which have informed this SPG. Copies of this report are available from the Planning Department and applicants are advised to consider the material which it contains. The Minister will have regard to its recommendations which in some cases explain and expand upon the policies in this SPG. Key points are:
- There was concern about the relationship between the Waterfront and St Helier, and a strong feeling that the two had to be complementary
 - There was particular concern about the possible effect of retail development on the Waterfront on the existing shopping centre of St Helier
 - There was a strong desire to see links between the Town and the Waterfront – especially pedestrian links – significantly improved.
 - There were many comments about open space and the "public realm". A high standard of usable and accessible open space is needed, with proper coordination between the three sites.

- Many responses concerned sustainability – the need for the schemes to set the highest environmental standards.
- Most comments concerned about the design of the development. There was disappointment about the standards of design so far. There were deep divisions over the quality of tall buildings, with much opposition in principle, but both those who opposed and those who supported tall buildings were united in their wish to see the highest possible quality. There was also a general wish to consider and protect views of much-loved buildings.

SECTION TWO

1. THE THREE SITES

1.1 In the first instance this revised development framework will apply to the three undeveloped sites remaining on the Waterfront. That is to say:

- Castle Quays
- Les Jardins
- Esplanade Square

It is essential that the development of these three sites is adequately coordinated and that the interrelationships between the different sites are recognised and accommodated.

1.2 In addition, should any of the sites already developed be subject to amendment or redevelopment then this supplementary planning guidance will apply.

1.3 The physical context of the three sites has been set by the existing developments and outstanding approvals for the new hotel, the cinema, restaurants and nightclub; new office building, car parking and the new apartments at Albert Pier and at Harbour Reach. The road and service network are in place and most of the promenades, footpaths and areas of open space are already clearly defined. The context is also defined in the case of Esplanade Square by the existing buildings along the north side of the Esplanade and by the new development proposed at Liberty Wharf.

1.4 Of the schemes not mentioned above but already with formal planning approval and at the earliest stage of work there are:

- The Waterfront Hotel
 - 7 storeys
- Liberty Wharf
 - 5 storeys
 - offices, flats
 - transportation centre
 - retail
- The Annex Site
 - 5/6 storeys

- offices

POLICY WF 1

The Minister will require that each scheme submitted for the individual sites within the Waterfront shall be integrated as part of a common framework each one with its neighbour to provide a coordinated approach to the future development of the Waterfront. Each scheme will be considered in context with what is proposed on adjacent and adjoining sites.

2. Previous Policy Context

- 2.1 The 2001 Waterfront Development Framework referred to within Policy BE4 of the Island Plan, envisaged a mixed use development (The Felton Plan 2001). At the time that document was prepared the boundaries of the 3 sites that have since emerged were not clearly defined. However, on the basis of the drawing approved at that time it suggested the individual sites contain the following uses:

Castle Quays

- Predominantly residential

Les Jardins

- Residential
- Hostel/youth centre
- Landmark building for civic use

Esplanade Square

- Residential
- Commercial
- Primary school

- 2.2 A new police station was to be built upon the existing Annex Site. The building heights were intended to range up to 6 storeys.

3. Land Use

- 3.1 Mixed uses combined with human scale give vitality and create attractive places. It is important that the Waterfront contains a diverse range of uses. This fosters activity, interest and greater security and avoids the sterility of large areas of single use. Mixed use developments can also reduce the need for commuting and the use of the car.

- 3.2 The Waterfront needs to accommodate a varied and diverse range of uses if it is to function successfully as a new neighbourhood, a living part of St Helier and also contribute to growing the Island's economy. It must reflect the rich and wide- ranging diversity of St Helier but establish a new urban destination on the water's edge. Leisure, retail, cafes and restaurants are essential ingredients, designed with a building form and a 'place making' approach to urban design.
- 3.3 To be a successful, attractive and vibrant place it is important that the Waterfront land uses are able to generate activity and life at street level. There may also be opportunity for commercial activities to 'spill out' into public spaces and bring activity into the street. The development of publicly accessible ground floor uses will also be encouraged and, in some instances, public access to higher levels may be appropriate.
- 3.4 The form and pattern of land use needs to be designed in a manner so that it has a positive relationship with a rich network of streets and public spaces to promote a dynamic interface between land uses and public space. Ground floors occupied by uses that relate directly to passing pedestrians create activity and interest. Each of the three principal development sites is likely to accommodate a different balance of land use. It is important that these are assessed individually *and collectively* to ensure that the Waterfront provides the vitality that is essential. The loss of the primary school and the police station from the WDF 2001 are not regarded as disadvantages in this respect. The prospect of a new leisure visitor facility has the potential to provide a new attraction for visitors and residents.

POLICY WF 2

The Minister will support proposals which encourage and contribute to the vibrancy and vitality of the area, particularly at street level, but will also take into account the extent to which the mix of uses proposed is complementary to St Helier.

Retail

- 3.5 Policy IC13 within the Island Plan is designed to protect the existing retail centre of St Helier. It is recognised that the viability of the retail centre of St Helier is important to the economy as well as to the built environment and cultural life of the Island. Nevertheless if the Waterfront is to function as an attraction to visitors and residents in its own right and provide the variety and vitality that is desirable, it must contain some retail uses, cafes and restaurants. Providing the balance between protecting the town and building the Waterfront as a quarter with life and services of its own, requires careful consideration. The current Waterfront Development Framework (Felton 2001) made no specific mention of where this balance lay in terms of floorspace provision, yet it identified clearly the need for such facilities. This supports the views expressed in Waterfront 2000.

- 3.6 The Economic Advisor is currently engaged in detailed consultation with all elements of the retail sector in order to reconcile the various views in relation to retail development within the island. This work is ongoing. PriceWaterhouseCooper are working on an economic assessment of the Waterfront, and the Economic Adviser will review their findings to ensure that they have taken a rigorous approach. There is little doubt that the correct balance of retail use envisaged for the Waterfront would be one that made provision for interest, life and vitality on the Waterfront whilst simultaneously not prejudicing the strong and enduring retail centre which is St Helier. It is important that there are retail opportunities within the Waterfront which will serve what may be a significant resident and visitor population, and that it should extend beyond 'specialist' shops and boutiques to services which serve the people who live and work in this area. It is however essential that this balance between what both the Town and the Waterfront is the subject of close and continuous scrutiny to ensure that the function and success of one does not adversely impact upon the other. The input of the Economic Advisor will be crucial in setting and maintaining this balance between the Waterfront and St Helier, and until such time as his current work with the retail sector is complete, he will review each application for new retail development to ensure that the implications of specific proposals are clearly understood.

POLICY WF 3

While appropriate retail development can contribute to the vibrancy and vitality of the Waterfront the Minister will require new retail proposals to demonstrate their economic and social impact and value to the Island and the Town of St Helier, and in particular their potential effect on the existing shopping area of the town, as well as the extent to which they complement and enhance the development and character of the Waterfront.

Retail development on the Waterfront shall be appropriate in scale and shall normally comprise only:

- Shops providing for the needs of residents and office workers in The Waterfront area
- Specialist shopping likely to appeal to visitors
- Cafes and restaurants.

Other Uses

- 3.7 In terms of other uses, the St Helier Urban Character Appraisal suggests that the aspirations of the States Strategic Plan to grow the economy must be linked with the expansion of other uses envisaged for the Waterfront. In particular the report points out that growth can be achieved by:
- the expansion of the existing off-shore financial services
 - the provision of new quality hotel accommodation to service this business

- the establishment of the Island as an attractive short break visitor destination
- the creation of a new urban quarter which integrates the life of the resident community and visitor.

3.8 In seeking to achieve these goals the provision of new office floorspace, leisure facilities and residential accommodation clearly all have an important role, not only in respect of economic growth but by way of providing the variety and diversity that will contribute to the special character of the Waterfront.

Housing

3.9 The provision of new residential opportunities has a key role to play. The possibility of extending the housing stock by building here has advantages in sustainability terms by reducing the demand for travel. It will reduce the need to expand the built up areas of the boundaries of the town and other settlements and increase the housing stock and therefore the affordability of housing accommodation in general. There is already social and first-time buyer housing on the Waterfront and this expansion in the open market sector has the opportunity to contribute the town's broad sense of community and increase the consumer base for many of the existing retail units within St Helier. The prospect of new residential accommodation in the Waterfront is therefore desirable in the broadest terms.

Offices

3.10 The availability of new modern office opportunities is seen as an important economic driver within the States Strategic Plan. The concept of office use has always been a component of earlier plans for the Waterfront, most notably in the Waterfront Development Framework of 2001. It is important however that the office uses are integrated with other alternative but compatible land uses to avoid the sterility that large areas of single use can generate. The commercial vitality evident in new modern office developments must be integrated into the grain of this new quarter in conjunction with other uses - recognising that the Waterfront is not a commercial showpiece but an area which has a broader and richer role to play for its own part and for the benefit of the Island. The displacement of existing office uses from their bases within St Helier needs to be carefully considered and policies developed to find alternative uses for vacated buildings. The provision of new office accommodation is deemed appropriate both in terms of previous commitments and current aspirations.

4. Leisure, Tourism and Open Space

4.1 These aspects are interrelated but in terms of providing new facilities for tourists and for residents there are compelling, economic and social reasons for encouraging the provision of new and different leisure and cultural opportunities. The provision of open space within all the schemes, their form, their roles and their flexibility are all as important as the manner in which they are constructed. Well designed and integrated open spaces, and a high quality public realm, have

the capacity to draw in and engage visitors through for example the use of gaps and views, elements of surprise and excitement, and careful use of materials and street furniture. Glimpses of the sea or the castle, or clearly defined routes to the shops and restaurants, can not only provide a more pleasant experience for the visitor but can contribute to the vitality and therefore the commercial success of the schemes.

- 4.2 In as much as the areas of open spaces have a role to play in design terms by way of setting the context for new buildings, they need also to be addressed in terms of their capacity to serve and absorb other alternative uses (sometimes temporary) which will contribute to visitor, resident and cultural opportunities. To this end it is essential that there is in place an open space/public realm strategy which identifies clearly the distinction between those areas in the public and private realm, but will also clarify the areas where their dimensions, context, layout and orientation provide opportunities for permanent and semi-permanent attractions and features.

The provision of public art within the Waterfront development is a requirement, and Policy BE12 of the Island Plan sets out the requirements which the Minister will expect to be fulfilled

POLICY WF 4

The Minister will require that a public space strategy be prepared which clearly sets out the interrelationships between different sites, their design approach, the proposals for management, and their capacity to accommodate other uses, taking into account the comments above.

The Minister will require new development to contribute to the public realm through the creation of well-designed public areas of open space which relate to the buildings around it and which are the subject of detailed plans which illustrate all hard and soft landscaping and street furniture.

The Minister will require that all new links and areas of open space recognise and respond to existing vistas and landmarks, and are designed to maximise these elements.

5. Linkages and Gateways

- 5.1 The perceived isolation of the Waterfront from St Helier is a familiar criticism. There are established pedestrian routes around the edges of the Marinas but access to those areas from the town remains difficult. The construction of a new bridge between Esplanade Square and Les Jardins features in the schemes which were published in 2005. However, it remains important to build on and very substantially improve the existing pedestrian channels flowing from St Helier and develop these as an attractive and convenient means of moving from the town to the Waterfront. All such routes should be designed to provide access for all users including those with disabilities and mobility impairments.

- 5.2 Within the Waterfront trips through the new sites need to provide a convenient but visually rewarding experience to their users. This should be provided by designing in variety and diversity in their orientation, their form and their settings. The materials used in their construction and in their surroundings must reflect the robust and durable nature that their seafront location requires. There is no requirement that each space expresses the same proportions or the same pattern of materials. Each space and link should be legible in its own right but be part of a family of places that guides and gives pleasure and logic to pedestrians as they move through.
- 5.3 St Helier has open space whose dimensions and character are familiar to residents and visitors. These spaces, their special character and materials already provide important clues to designers.
- 5.4 The maritime location of the Waterfront can present challenging weather conditions. Designers of buildings, streets and spaces need to take into account the local micro-climatic conditions to avoid creating an inhospitable environment in certain weather conditions.
- 5.5 The size, nature and content of the 3 development sites suggest that each scheme may advance at a different pace. It is also possible that each site will have its own phasing programme which will be influenced by a range of factors. However, it is essential that the provision of the new routes and links within and between the three sites is coordinated so that the provision for these elements is provided as a priority and within the first phase of all the development schemes. The new bridge link and the footpath link to the bridge is just such an example where the timings of these connections are critical, not only in relation to the development of the Esplanade Square scheme but in terms of allowing access to the remainder of the Waterfront sites to the south of La Route de Liberation. It would be contrary to the interests both of the essential linkages between the Waterfront and the town, and also the success of the schemes themselves, for development to take place without these links having been provided. The Minister is determined that a detailed programme of provision which addresses phasing, timing and delivery is part of any application, so that a clear and coordinated programme is agreed and delivered.

POLICY WF 5

The Minister will require all new development to provide a rich network of safe and connected pedestrian routes within the Waterfront which will be part of the Open Space Strategy.

The Minister will require that a programme, clearly indicating the phasing and delivery of all pedestrian routes and connections, be submitted as part of each application. This programme shall address and respond to the provision of these elements on adjoining sites and must provide for a coordinated approach.

The Minister will require that the several existing means of accessing the Waterfront from the town are significantly improved and enhanced in order that pedestrian flow is encouraged. This may be done by the use of planning

agreements to deliver the necessary improvements to the existing pedestrian routes. The Minister will expect the new bridge to show a particularly high quality of design.

The Minister will require that all new links and areas of open space recognise and respond to existing vistas and landmarks, especially views of Elizabeth Castle, and are designed to maximise these elements.

6. Urban Design, Massing and Height of Buildings

Urban Design and Massing

6.1 The Public Forum held in March 2006 and the representations received following it revealed a significant level of concern in relation to design issues on the Waterfront. This concern had already been expressed within the Urban Character Appraisal but was re-emphasised in conjunction with deep divisions with regard to the appropriateness of tall buildings on the Waterfront. This negative perception of the Waterfront focused on some key elements:

- Its separation from the town centre, its sense of isolation.
- Its lack of identity and its poor 'sense of place'
- Its lack of character, building grain or focal points
- The poor quality of some recent buildings on the Waterfront

6.2 To address these powerful and often repeated criticisms requires that the SPG refocuses on some key principles that should overlay the assessment of all new development proposals. The purpose of this guidance is to drive new development towards schemes that will:

- Establish a coherent urban framework that identifies with the town and which promotes continuity and enclosure where public and private space is clearly distinguished
- Identify, protect and enhance important view lines and promote legibility
- Consolidate the Esplanade as the principal gateway to St Helier
- Establish a distinctive area character that responds to the scale of its maritime context as well as the existing wider townscape of St Helier
- Create a clearly defined, high quality, legible public realm throughout, comprising a rich network of public streets and spaces that will be easy to get to and move through and which will stimulate and enhance pedestrian activity
- Provide elegance and quality in new design that reflects and interprets the special character of Jersey

- Respond to the maritime environment through the design and layout of buildings, streets and spaces which take account of the micro-climate
- Manage traffic and parking so that they have a minimal impact upon the pedestrian environment.

6.3 In pursuit of these principles new development needs to respond to existing character in order to reinforce local identity. Existing natural and built features must be clearly identified and used as part of the framework that determines and guides new development. Existing viewlines, vistas and landmarks have all a role to play in expressing and building the character of new areas, whilst reflecting and recognising Jersey's character and helping the legibility of the area.

6.4 New developments along important arterial and entry routes need to recognise the importance of those areas and respond with high quality urban design and architecture. Where sites connect to either existing or planned development, those connections need to reflect the nature, scale and form of that development so that integration between development sites is delivered seamlessly.

POLICY WF 6 - general principles

In considering proposals the Minister will take the following key principles into account and will refuse schemes that do not.

- Protect important vistas and viewlines
- Reflect the special character and nature of Jersey's architecture and the urban structure, grain, density and mix of St Helier and respond to and reinterpret that character
- Provide interest and quality within urban design and architecture to entrances and gateways to the town and to the individual sites within the Waterfront
- Use materials and colours which are appropriate to the Waterfront's context and which contribute to the setting and framing of buildings and spaces
- Provide interest and variety in the detailed design of the buildings which respond to building location, the use of the building and its relationship to existing and proposed development and provide a design statement in support of the scheme
- Recognise that diversity and homogeneity both have roles to play in creating a successful urban environment and avoid continuous building heights, façade treatments and blank walls

6.5 Policy Background

Policy BE5 within the Island Plan addresses the criteria whereby tall buildings (those buildings over 5 storeys in height or 2 storeys above their neighbours) might be favourably considered. The text suggests that a relatively tall building or a group of tall buildings could add visual interest to the skyline. They could act as strong landmarks at:

- Gateways to the town
- The Waterfront or Esplanade
- Edges of public space or parks

The policy goes on to state in policy terms that they will be critically assessed for their:

- Appropriateness to location and context
- Visual impact
- Design quality
- Contribution to character of St Helier

6.6 The Urban Character Appraisal makes no specific reference to tall buildings within the Waterfront itself but suggests that any urban design strategy should address a set of principles that encourage new development to:

- Contribute to distinctiveness and integrate with surrounding landscape
- Improve first impressions and feasibility
- Protect important views
- Make coherent layouts
- Contribute to the vitality of the town
- Make positive relationships with public space
- Strengthen and extend the network of routes and spaces.
- Tall buildings considerations

Tall Buildings

6.7 Some of the advantages of tall buildings which have emerged from the consultation focus on some core issues. It has been argued that tall buildings can:

- Give focus and identity to the Island through the image they represent
- Give variety and diversity to the skyline
- Make best use of the Island's limited land resources
- Bring new character and quality to the existing Waterfront
- Create the opportunity for the provision of open spaces
- Give emphasis and definition to areas of public space on the Waterfront
and give a modern identity to this new quarter
- Maximise commercial and economic opportunities

However, no policy for supporting tall buildings can be considered without a clear awareness of the more controversial and negative aspects of building high. By virtue of their size and prominence high buildings can harm the qualities that residents value about a place. To avoid that negative impact there must be a clear understanding of the criteria and principles that are required to restrain and control the location and context of tall buildings and the careful process of analysis and scrutiny that is essential. A lack of appreciation or understanding of the context of both tall and low rise buildings is often the reason why there are poor examples of both types of development apparent in Jersey and elsewhere. It is essential that any consideration of context is not divorced from a drive to deliver quality in design. Proposals for tall buildings must recognise the importance of:

- Context
- Views/panoramas
- Skylines
- Other landmarks (natural and built)
- Quality in design

POLICY WF 7

The Minister will support tall buildings provided that their design, appearance and form are of the highest quality. The Minister will require that all applications address and comply with all the policy requirements set out within the Policies of WF 8, WF 9 and WF 10

Views and Settings

- 6.8 The setting of a tall building is extremely important when seen from a distance or in silhouette. In St Helier the shorter views are critical; in particular the view of Fort Regent and the escarpment of the town. These demonstrate the existing juxtaposition of buildings of different character, scale, appearance and size. New development needs to be carefully considered for its impact upon the distinctive skyline of Elizabeth Castle, and Fort Regent. Not all elements in that skyline are attractive, there are some poor precedents, i.e. the swimming pool, but it remains an important backdrop. A well proportioned building, with a well modelled roof and elevations could enhance the skyline but it must not block the view of other landmarks or significant viewpoints. It must respect the existing setting of those landmarks.

Important Views

- 6.9 Those that must be considered and illustrated as part of any application are:
- From and along the axis of the Esplanade to Fort Regent
 - From the Esplanade to Elizabeth Castle
 - From the Waterfront to Elizabeth Castle

- From the Waterfront to St Aubin
- From St Aubin to Fort Regent and Elizabeth Castle
- From Beaumont to Elizabeth Castle
- From First Tower to Elizabeth Castle and Fort Regent
- From Noirmont to Elizabeth Castle and Fort Regent
- From Conway Street towards the sea
- Along the axis of the Esplanade towards First Tower

6.10 There are also important panoramas taken from specific viewpoints, and broad vistas containing many objects of interest. These include:

- The changing panorama along Victoria Avenue across St Aubin's Bay to Fort Regent and Elizabeth Castle
- The panorama across St Aubin's Bay from the sea with Noirmont and St Aubin's Fort in the west to Elizabeth Castle and Fort Regent to the east
- From Fort Regent to St Aubin's Bay
- The panorama across St Aubin's Bay from the escarpment above Victoria Avenue

In addition views from the sea should be considered.

POLICY WF 8 - views and settings

The Minister considers there are views of important buildings and features such as Fort Regent, Elizabeth Castle and St Aubin's Bay that merit protection, especially from the negative impact of tall buildings.

Important views and panoramas are defined above. Any application for a tall building must illustrate clearly through photomontage techniques the impact the building has on these strategic views. Any application that has a negative impact will be opposed. The views of Fort Regent and Elizabeth Castle need special consideration.

Criteria for Assessment of Tall Buildings

6.11 The Minister is determined to ensure that the quality of the buildings is of the highest order. He is aware that this is particularly important for tall buildings because of their wider impact. The general policies within the Island Plan in relation to the built environment will continue to apply to tall buildings as they do to other development. Similarly the work within the St Helier Urban Character Appraisal which addresses relationship to context will require to be addressed particularly where they relate to natural topography, waterfront, seascape, scale, height, urban grain, streetscape and their effect on the skyline.

POLICY WF 9

Criteria

In particular he will require that: (as defined in Policy BE5) is of the very highest quality.

In particular he will require:

- The building is appropriate to its location and context and respects the historic and maritime environment of St Helier
- The building displays excellence in design, is elegant, well proportioned and well articulated; the height, width, depth and modelling of the building must be justified in civic design terms.
- The elevations must be varied and interesting and the tops of tall buildings must be well articulated and designed
- The materials specified must be of the highest quality with careful consideration given to the local palette of colours and materials
- The building must relate well to other buildings within the development and on adjoining sites, and form part of a coherent and integrated scheme for the Waterfront as a whole
- Open space should be provided as one of the benefits of permitting tall buildings, and this should be designed to the highest standard

The Minister will require that all applications clearly demonstrate sustainability in the broadest sense, taking into account the building's physical, social, economic and environmental impact.

The Minister will specifically require applicants to consider the effect of the building on the local environment and on surrounding buildings and spaces, including for example microclimate, overshadowing, and night time appearance. Wind impact must be demonstrated to be within acceptable limits.

The Minister will require that any tall buildings must address and respond to the design principles set out in the St Helier Urban Character Appraisal under the chapter entitled "Design Guidance". Specifically this requires that:

- Recognises and responds to context
- Contributes to distinctiveness yet integrates with the existing townscape
- Enhances approaches and entry points
- Makes coherent layouts
- Enhances existing and new open space within the public realm.
- Creates a network of connected spaces and routes to give ease and pleasure to the pedestrian.
- Gives positive definition and enclosure to public space with transparent frontages facing into the public realm to provide surveillance

Heights

- 6.12 Policy WF 9 indicates the key policy criteria that will be applied. The exact height will be determined based on the capacity of the site to accommodate height in what must be an elegant form. The quality of the building, its elegance, slenderness, and intrinsic character must justify its role. The proportion of a tall building – the height to the width – must be elegant. And while a building may appear slim and attractive from one viewpoint it may seem slab-like and bulky when viewed from other locations.

It is essential that whatever is constructed on the 3 sites relates well and coordinates with the others. Each development will be required to demonstrate its design, scale and massing not only in their own terms but in relation to the overall development framework. It is not intended to place an absolute limit to the height of buildings but to state that only the buildings of highest quality will be accepted and applications that do not reach those standards will be refused. The Minister is very aware of the poor quality of some of the existing development and is determined to ensure that the quality is not simply better than that currently present but is of the very highest standard.

It is important to avoid building consistently at one building height – even within one development. There is no precedent for single height corporate and monolithic architecture in St Helier and there must be vertical variety in the range of storeys. Too regular stepping of the façade along the street should also be avoided as there is no precedent for this in St Helier.

- 6.13 It is accepted that the height of the buildings vary across the site. New buildings on the Esplanade and La Route de Liberation must integrate with the traditional town facades of the Esplanade. It is not expected that buildings in excess of 6 storeys would be acceptable on this edge other than in exceptional locations. Similarly in those parts of the Waterfront closest to Elizabeth Castle it is likely that a tall building would detract from the setting of the castle and justifying exceptional height in that context may be very difficult. This suggests that where a particularly tall building might feature on the Waterfront is likely to be within the northern section of Castle Quays where it could provide a new architectural icon and landmark. It is suggested that a particularly tall building could only be located within the northern section of the Castle Quays site.

POLICY WF 10 - heights

The Minister will require that the following principles be applied in relation to building heights on the Waterfront.

Esplanade Square and Les Jardins

- 1.a
 - New buildings along the Esplanade and La Route de Liberation must reflect the height and scale of the existing buildings on the Esplanade and shall be generally restricted to 6 storeys.
- 1.b
 - Elsewhere in Esplanade Square and Les Jardins buildings taller than 6 storeys will only be acceptable if they are of exceptional quality and can be justified in that they:
 - Frame important areas of open space
 - Give special definition to routes, links and crossing points
 - Frame and emphasise existing views and landmarks
 - Provide articulation, variety and diversity at roof level

Castle Quays

- 2.a
 - Buildings in excess of 6 storeys in height will not normally be acceptable within the Castle Quays site south of the principal pedestrian access route between the tree and the needle. However, in order to provide articulation, variety and diversity at roof level, at gateways and corners and to emphasise important open space there may be opportunities to vary building height.
- 2.b
 - The northern part of Castle Quays site may offer the opportunity to accommodate a significantly taller development subject to a careful analysis of:
 - particular context
 - impact on existing views and landmarks
 - design appearance, form and proportion
 - contribution to open space and the public realm

Only development of the highest quality will be approved.

In all instances, applicants must demonstrate compliance with other policies in this SPG and within the Island Plan

Where planning permission is granted the original architectural quality proposed must be safeguarded through to completion on site. The quality of the detailed design, specification of materials, finishes and treatment of the public realm will be secured through the appropriate use of planning conditions and obligations.

The applicant must model the potential impact of the development – particularly where it involves tall buildings – using physical models and photo montages. Realistic and accurate illustrations must be produced for the proposals in all the significant views affected. Near, middle and distant views must be methodically considered including the public realm and streets around the building.

PROCESS

- 6.14 The development of the Waterfront will be the most important new development site in Jersey for at least a generation. The Minister recognises this and in order to deliver the quality that he deems necessary and appropriate for the Waterfront and to promote the highest possible quality of design he proposes to make arrangements for additional advice on design to be made available to himself and the Planning Department. This advice, which will be commissioned from a person or persons with the highest possible local of expertise and experience, will consider design in the context of this SPG. It will embrace not just the designs of individual developments but also their relationship one to another and their compliance with other elements of the SPG. The purpose of this advice is to ensure that the quality of the development is at the high level which the Minister, and the people of Jersey, expect, and which is set out in this SPG; and to ensure that high standards are maintained through the implementation process. The person or persons will consider design in the context of this Supplementary Planning Guidance and will consider not only design of individual developments but their broader adherence with the other elements of the SPG

7. Traffic and Transportation

- 7.1 The Waterfront Enterprise Board has commissioned a report into the traffic implications of a major development of the Waterfront from Consulting Engineers Faber Maunsell. This report was completed in October 2005. This work is currently under review by the Transport and Technical Services Department and there remain certain aspects of the report that are the subject of further work. Notwithstanding the reservations expressed, it is recognised that the Faber Maunsell report has completed a thorough job of examining existing trip generation with a view to predicting the likely trips that will be generated by proposals of new development in the Waterfront. However, the report cannot be endorsed in its entirety at this time.

The Waterfront must provide a safe and secure environment for pedestrians with vehicles relegated to a secondary service role. Provision must be made for each development site to provide a level of parking provision appropriate to what is proposed. To that extent a certain level of vehicular access is necessary but it must defer to the needs of the pedestrian, cyclist and those with restricted

mobility. Street level parking should be excluded, thereby providing for the ability to model and construct public spaces without having to compromise for the motor vehicle.

- 7.3 The broader implications of additional or amended traffic movements and their impact off site will be addressed. It may be necessary to agree changes to the existing road network to accommodate new development and the delivering of such requirements may need to be the subject of a Planning Agreement. Each of the development sites is likely to generate different requirements as a result of their different land use profiles.
- 7.4 The Island Plan (Policy TT22) requires that travel plans be submitted for all major new developments. The purpose of such plans is to deliver sustainable transport objectives by:
- Reducing car usage
 - Offering incentives to use public transport
 - Improving cycling to work opportunities
 - Reviewing car parking supply

Travel plans need to be enforceable and may therefore need to be controlled through Planning Agreements.

POLICY WF 11

The Minister will require that each applicant submit a travel plan as part of the formal planning application

The Minister will require that, where deemed necessary, a formal planning agreement will be required to address improvement to the road network, signalization or the provision of public car parking, or contributions to the public transport system in order to address any identified shortcomings associated and directly related to the new development.

8 Environmental Considerations

- 8.1 The Minister will expect that these key developments will be exemplars for all future development in Jersey and will expect that applicants will clearly demonstrate how the most recent and effective techniques for reducing the environmental impact of the schemes have been employed.

The Planning and Environment Department will require a full Environmental Statement for developments likely to have significant impacts on the environment (Island Plan Policy G5). This will include all of the three developments proposed, and consideration should be given to producing a single environmental statement covering all three sites as an alternative to separate statements. An indication of the scope of an Environmental Statement is provided in Appendix 2 and it also includes a full assessment of impacts on human health. The scope will be

formally agreed between the Planning and Environment Department and the developer in advance of the planning application. The range of issues to be addressed as illustrated in Appendix 2 is not exhaustive and the Minister is determined that best practice is adopted in the preparation and scope of all environmental statements.

Drainage

- 8.2 The Waterfront lies on the edge of the Marine Protection Zone (Island Plan Policy M1). Careful consideration must be given to the management of surface water run-off from the site into this ecologically valuable marine environment. Detailed proposals should include a Drainage Impact Assessment.

8.3 Biodiversity

Urban green space management sometimes consists of highly managed, largely artificial landscapes used for many competing interests and maintained using methods not always sympathetic to biodiversity. A more integrated approach to management is needed, which regards maintenance of biodiversity as a key management aim and pays attention to the needs of local wildlife. The reclamation site is currently made up ground and as such perceived as of little ecological value. Enhancing the local habitat and ecology should be a major consideration for the preparation of the detailed proposals in response to this development brief. Development within the Waterfront area should follow the conservation objectives within the Urban Biodiversity Habitat Statement produced by the Environment Department.

Energy

- 8.4 The built environment is responsible for an estimated 45% of all greenhouse gas emissions. It is during the design process where decisions are made which can have the greatest influence on reduction of the impact of the built environment. Buildings for the Waterfront should be able to demonstrate high levels of environmental performance in terms of energy efficiency, with high levels of insulation and high-performance windows. As a minimum, studies should be carried out to avoid the need for air conditioning, particularly in atrium spaces. Consideration should be given to forms of renewable energy (wind and solar). Developments proposed for the Waterfront should be encouraged to achieve an “Excellent” or at least “Good” certification under the BREEAM (Building Research Establishment Environmental Assessment Method).

Sustainable Construction Materials

- 8.5 Developments should aim to:
- reduce the consumption of irreplaceable material assets
 - promote reuse and minimise waste
 - promote prudent use of sustainably managed natural and semi-

- natural resources
- promote recycling of construction waste
- demonstrate effective protection of the environment
- promote water saving and recycling
- minimise light pollution

These points should be demonstrated by a materials use and purchasing strategy.

Waste Management

- 8.6 The production of waste represents a misuse of resources and provides a particular challenge in an Island setting where the limited availability of land restricts our options for dealing with unwanted materials in a sustainable manner. Construction and demolition activities account for over 70% by weight of Jersey's solid waste: annually over 300,000 tonnes of inert materials is delivered for disposal to the La Collette Reclamation site. A proportion of the construction and demolition waste received at La Collette is recycled as secondary aggregates but the site has a limited life span so we must minimise the production of inert waste wherever possible. For this to be successful consideration of how to avoid unnecessary waste needs to begin at the earliest stages of planning and design. In accordance with policies WM1 and WM2 of the Island Plan 2002, a Waste Management Plan will therefore be required as an integral part of the Environmental Impact Assessment.

Land contamination

- 8.7 Parts of the Waterfront area are known to have some level of contamination remaining from their former use. The Planning and Environment Department expects developers to take account of all existing information and to address any contamination problems arising as part of their development proposals.

Desk studies and site survey information are already available, which outline the nature and extent of contamination. The developer should follow Supplementary Planning Guidance, Planning Advice Note 3: Development of Potentially Contaminated Land and contact the Environment Department for further guidance on survey and remediation.

Noise

- 8.8 Some of the roads in the brief area generate high levels of noise. This will be an important consideration in the development of the Waterfront. Developers should pay special attention to the location of new development and its orientation to busy roads, and include measures to minimise the impact of noise on new residents and occupiers. The Planning and Environment Department will expect full liaison with the Health Protection Department at an early stage to address this issue.

Inundation by the sea

- 8.9 Sea level will rise over the next century and beyond. Within the lifetime of the development the Waterfront has the potential to be affected by both sea level rise and predicted increases in high-level storm surges as a result of climate change. Developers will be required to demonstrate that due consideration has been taken of these changes within the design of the development.

POLICY WF 12

The Minister will require schemes to meet the highest environmental standards and will require an Environmental Impact Assessment to be completed for the three major sites (jointly or separately) in accordance with Policy G5 within the Island Plan. Schemes that do not address all the issues itemised in the forgoing chapter will not be approved.

The Minister will require that all Environmental Impact Assessments are prepared by suitably qualified experts and accord with best practice and address the full range of issues in every instance.

9. Planning Agreements

- 9.1 Well planned and sensitive development on the Waterfront can offer great benefits to the Island. It can provide new homes, work places, leisure facilities and it can stimulate the economy. Inevitably new development brings an impact on the environment, existing services and infrastructure which sometimes places extra burdens and costs on the community. The Island Plan (Policy G10) recognised this and last year detailed guidelines were published to give clarity in the use of Planning Agreements. (The use of Planning Agreements/Obligations, March 2005).
- 9.2 It is intended that where planning conditions are not appropriate Planning Agreements will be sought in order to deliver community benefits arising from new development. It is possible that those benefits may take the form of works within and outside the Waterfront and could encompass new road widening, signalisation, pedestrian crossings, footpath widening and financial contributions to sustainable transport options if deemed appropriate. It is also possible that contributions could be sought for improvement to existing amenity and open space. Community and civic facilities (for example an Art Gallery or viewing platform) may also be realised through the use of Planning Agreements. Contributions will also be sought towards the cost of the provision of consultancy or design advice when applications come forward. In each case the need for such an agreement will depend upon the particular circumstances of the case, their location of the facility in question and the extent to which the provision of the facilities deemed necessary can be delivered by a planning condition.

POLICY WF 13

The Minister will enter into a Planning Agreement when it meets a number of key tests. These tests are:

- that it is necessary (to make a development acceptable in planning terms)
- that it is relevant to planning
- that it is directly related to the proposed development
- that it is fairly and reasonably related in scale and kind to the proposed development
- that it is reasonable in all other respects

Appendix 1

Design Brief Template

This is an extract from the Urban Character Appraisal, St Helier.

This is a typical structure for a design brief but it is important to note that not all of the issues outlined below are relevant to any given site. In particular, when setting out the site-specific guidance the only topics that should be included are those that are considered to be essential to the eventual successful integration of the development.

The amount of detailed guidance should be kept to a minimum so that critical design parameters are established early in the design process whilst still giving designers flexibility and opportunities for the creative resolution of the client's brief.

SECTION HEADINGS	EXPLANATION
1 Introduction	
Purpose of the brief Background Key background documents	
2 Description of the site	
Site boundary/extent Historical development Site sensitivity	What characteristics of the site have triggered a design brief
3 Planning context	
Relevant planning policies/objectives Environmental, heritage or landscape designations Planning history	In or near the site
4 Consultations	Where these have already taken place/if consultation is required
Bodies consulted Outcome and implications of consultation	
5 General urban design objectives	
Key urban design challenges/objectives Vision for the site/ area Short/medium/long term issues affecting the site/area	States of Jersey objectives for urban quality, for example Land use, planning or property dynamics, for example

6	Character area description	Relevant extract from the Urban Character Appraisal
7	Character area design guidance	Relevant extract from the Urban Character Appraisal
8	Site-specific guidance	

Not all of the issues below will be important for every site but this list can be used as a checklist of potentially relevant topics

view/visual issues	<ul style="list-style-type: none"> • will the development be especially visible • if visible, does this require a sensitive approach or should it be exploited
landscape	<ul style="list-style-type: none"> • are there existing views in or around the site that should be protected or exploited • are there natural features that should be protected
topography/levels	<ul style="list-style-type: none"> • is there a landscape type/character that should be maintained in the new development • will level changes affect the development
traffic/vehicle circulation/parking/servicing	<ul style="list-style-type: none"> • is there a preferred way of designing with the topography • what are existing traffic circulation arrangements • are there preferred arrangements for access and principal circulation • are there preferred arrangements for dealing with parking and servicing
pedestrian circulation	<ul style="list-style-type: none"> • are there rights of way/existing pedestrian access points • are there key desire lines that should be accommodated • is there a need for innovative traffic management techniques
public space	<ul style="list-style-type: none"> • is there a need to give particular consideration to people with special needs, the elderly or children • is there a specific requirement for open space on the site • what type of space is required, for what use/user group • is it public or private
public transport	<ul style="list-style-type: none"> • is there a need to relate to public transport e.g. create pedestrian links to bus stops
distinctiveness/diversity/integration	<ul style="list-style-type: none"> • should this development aim to integrate seamlessly into the adjacent context or can it stand out
vitality/animation	<ul style="list-style-type: none"> • is this development exclusively private or should it have public uses • are there preferred locations on the site for public uses • is there a particular requirement for active ground floor uses anywhere on the site
boundaries/edges	<ul style="list-style-type: none"> • are any of the site boundaries especially sensitive • how should those boundaries be treated – open/enclosed, soft/hard, large scale/low
horizontal/vertical	<ul style="list-style-type: none"> • is there a case for the development to have a vertical or horizontal emphasis to the elevation, or could either be justified
corner treatments	<ul style="list-style-type: none"> • should the corner be celebrated as a landmark feature, kept simple and elegant, or could a case be made for either

colour	<ul style="list-style-type: none"> • if it is to be a landmark, is there a preference for how that might be done e.g. tower, setback, projection • is there a need to specify a certain palette or recommend an especially striking, subtle or contextual colour choice
materials	<ul style="list-style-type: none"> • is there a need to specify certain types or colours of materials to stand out or blend with the immediate context
massing and frontage proportions	<ul style="list-style-type: none"> • is there a need to specify the height, width and bulk of the building envelope or main elevations • are there particular parts of the site where the scale of the development needs to be controlled
building line	<ul style="list-style-type: none"> • should the building adhere to a prescribed building line • should setbacks or projections be considered
scale of detail	<ul style="list-style-type: none"> • are there specific issues about the richness of detail in surrounding buildings that should be taken into account
roofs/roofscape	<ul style="list-style-type: none"> • is the roofscape especially visible from above • is there a case for precluding a particular roof shape • is the height of eaves line a significant design issue • is there a case for recommending a specific material or colour

9 Next steps

Submission requirements

Approvals process

Appendix Two

Environmental Impact Assessment

Appendix 5: Checklist of matters to be considered for inclusion in an environmental statement

This checklist is intended as a guide to the subjects that need to be considered in the course of preparing an environmental statement. It is unlikely that all the items will be relevant to any one project. (See paragraphs 31 and 32 of the main text.)

The environmental effects of a development during its construction and commissioning phases should be considered separately from the effects arising whilst it is operational. Where the operational life of a development is expected to be limited, the effects of decommissioning or reinstating the land should also be considered separately.

Section 1

Information describing the project

- 1.1 Purpose and physical characteristics of the project, including details of proposed access and transport arrangements, and of numbers to be employed and where they will come from.
- 1.2 Land use requirements and other physical features of the project:
 - a. during construction;
 - b. when operational;
 - c. after use has ceased (where appropriate).
- 1.3 Production processes and operational features of the project:
 - a. type and quantities of raw materials, energy and other resources consumed;
 - b. residues and emissions by type, quantity, composition and strength including:
 - i. discharges to water;
 - ii. emissions to air;
 - iii. noise;
 - iv. vibration;
 - v. light;
 - vi. heat;
 - vii. radiation;
 - viii. deposits/residues to land and soil;
 - ix. others.
- 1.4 Main alternative sites and processes considered, where appropriate, and reasons for final choice.

Section 2

Information describing the site and its environment

Physical features

- 2.1 Population - proximity and numbers.
- 2.2 Flora and fauna (including both habitats and species) — in particular, protected species and their habitats.
- 2.3 Soil: agricultural quality, geology and geomorphology.
- 2.4 Water: aquifers, water courses, shoreline, including the type, quantity, composition and strength of any existing discharges.
- 2.5 Air: climatic factors, air quality, etc.
- 2.6 Architectural and historic heritage, archaeological sites and features, and other material assets.
- 2.7 Landscape and topography.
- 2.8 Recreational uses.
- 2.9 Any other relevant environmental features.
- 2.10 Reference should also be made to international designations, e.g. those under the EC 'Wild Birds' or 'Habitats' Directives, the Biodiversity Convention and the Ramsar Convention.

Section 3

Assessment of effects

Including direct and indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project.

Effects on human beings, buildings and man-made features

- 3.1 Change in population arising from the development, and consequential environment effects.
- 3.2 Visual effects of the development on the surrounding area and landscape.
- 3.3 Levels and effects of emissions from the development during normal operation.
- 3.4 Levels and effects of noise from the development.
- 3.5 Effects of the development on local roads and transport.
- 3.6 Effects of the development on buildings, the architectural and historic heritage, archaeological features, and other human artefacts, e.g. through pollutants, visual intrusion, vibration.

Effects on flora, fauna and geology

- 3.7 Loss of, and damage to, habitats and plant and animal species.
- 3.8 Loss of, and damage to, geological, palaeontological and physiographic features.
- 3.9 Other ecological consequences.

Effects on land

- 3.10 Physical effects of the development, e.g. change in local topography, effect of earth-moving on stability, soil erosion, etc.
- 3.11 Effects of chemical emissions and deposits on soil of site and surrounding land.
- 3.12 Land use/resource effects:
 - a. quality and quantity of agricultural land to be taken;
 - b. sterilisation of mineral resources;
 - c. other alternative uses of the site, including the 'do nothing' option;
 - d. effect on surrounding land uses including agriculture;
 - e. waste disposal.

Effects on water

- 3.13 Effects of development on drainage pattern in the area.
- 3.14 Changes to other hydrographic characteristics, e.g. groundwater level, water courses, flow of underground water.
- 3.15 Effects on coastal or estuarine hydrology.
- 3.16 Effects of pollutants, waste, etc. on water quality.

Effects on air and climate

- 3.17 Level and concentration of chemical emissions and their environmental effects.
- 3.18 Particulate matter.
- 3.19 Offensive odours.
- 3.20 Any other climatic effects.

Other indirect and secondary effects associated with the project

- 3.21 Effects from traffic (road, rail, air, water) related to the development.
- 3.22 Effects arising from the extraction and consumption of materials, water, energy or other resources by the development.
- 3.23 Effects of other development associated with the project, e.g. new roads, sewers, housing, power lines, pipe-lines, telecommunications, etc.
- 3.24 Effects of association of the development with other existing or proposed development.
- 3.25 Secondary effects resulting from the interaction of separate direct effects listed above.

Section 4

Mitigating measures

- 4.1 Where significant adverse effects are identified, a description of the measures to be taken to avoid, reduce or remedy those effects, e.g:
- a. site planning;
 - b. technical measures, e.g:
 - i. process selection;
 - ii. recycling;
 - iii. pollution control and treatment;
 - iv. containment (e.g, bunding of storage vessels).
 - c. aesthetic and ecological measures, e.g:
 - i. mounding;
 - ii. design, colour, etc;
 - iii. landscaping;
 - iv. tree plantings;
 - v. measures to preserve particular habitats or create alternative habitats;
 - vi recording of archaeological sites;
 - vii measures to safeguard historic buildings or sites.
- 4.2 Assessment of the likely effectiveness of mitigating measures.

Section 5

Risk of accidents and hazardous development

- 5.1 Risk of accidents as such is not covered in the EIA Directive or, consequently, in the implementing Regulations. However, when the proposed development involves materials that could be harmful to the environment (including people) in the event of an accident, the environmental statement should include an indication of the preventive measures that will be adopted so that such an occurrence is not likely to have a significant effect. This could, where appropriate, include reference to compliance with Health and Safety legislation.
- 5.2 There are separate arrangements in force relating to the keeping or use of hazardous substances and the Health and Safety Executive provides local planning authorities with expert advice about risk assessment on any planning application involving a hazardous installation.
- 5.3 Nevertheless, it is desirable that, wherever possible, the risk of accidents and the general environmental effects of developments should be considered together, and developers and planning authorities should bear this in mind.

