

**Report to the Minister for Planning
and Environment**

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**The Jersey Island Plan 2011
Interim Review**

Volume 1

Main Report and Appendices

Senator Robert Duhamel
Minister for Planning and Environment
States of Jersey

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Dear Senator Duhamel

The Jersey Island Plan Proposed Revision Report

I am pleased, on behalf of the Assistant Inspector Mr Alan Langton and myself, to submit our report on The Jersey Island Plan Review.

I would like to record my gratitude to Mr Langton, whose contribution to the process has been invaluable, and Mrs Helen Wilson, the Programme Officer, whose efficiency and good humour was I think appreciated by all the participants. We are also grateful to Angela Almeida the States Officer who organised the venues and much else besides. It would have been impossible to run the Examination in the way that we did without their help.

I would like to thank all the participants who attended the oral sessions for their contributions to informed and courteous debates. Also the many more people who, although they did not attend the sessions, made valuable written comments on the Plan Review. We particularly asked your officials in Planning and Environment (and indeed their colleagues in other Departments) to do a great deal of work, before and during the Examination. I thank them for that. It enabled us to understand the issues better, and it enabled both the Examination and this report to be completed expeditiously.

I hope that all those who took part in the process – even those whose wishes were not fulfilled – will feel that they had a fair hearing, that their views were taken into account, that the process was worthwhile and that you will be able to proceed smoothly through the next stages towards adoption of the revisions to the Plan.

Thank you for the opportunity to Chair this Examination

Yours sincerely



Chris Shepley

The Jersey Island Plan 2011 Interim Review Examination in Public

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CHAPTER 1: OVERVIEW

Introduction

- 1.1 The Examination in Public (EiP) into the proposed revisions to the Island Plan took place between 14 and 23 January 2014. Our report is in two volumes. The first deals with the proposed revisions to the policies in the IP, and we have dealt with them in the order in which they appear in the Plan (even though this was not the order in which we dealt with them at the EiP). The second deals with the various site specific issues which were raised. For clarity, where we refer to "The Minister" we generally mean the officials who appeared on his behalf.
- 1.2 There were some 670 comments made by some 225 individuals and organisations in response to the initial consultation stage (IP1), and we subsequently received some further 31 representations and statements from some 26 individuals and organisations during the second round of representations. We are very grateful for all of these since they enabled a thorough examination to take place. The process by which we did this is described in the "Notes for Guidance" (EPD/2). We have considered all of the written representations which were made. We cannot, in this report, give a specific response to all of them; there are simply too many. Similarly we have considered all of the comments which were made during the EiP hearings, and if we do not mention everything which was said it does not mean we did not take all of the views into account. We have been as objective as we can. There will inevitably be those who are satisfied with our recommendations and those who are not, but we have done our best to make recommendations which, while taking into account people's aspirations and fears, look (based on the evidence) like the best way of addressing the Island's problems and guiding its future.
- 1.3 We did, of course, hold an EiP into the Island Plan itself in 2010, followed by a further EiP in 2011 into some of the amendments which Members had proposed in advance of the States Assembly's consideration of the Plan. We have had regard to our 2010 report, and indeed refer back to it where we think it is convenient to do so. However we want to stress that we have considered matters afresh. Circumstances have changed since 2010 in a number of ways, and new evidence was put to us which we have taken into account. We looked at all the sites with fresh eyes and considered them in the light of the revised policies and imperatives which had been presented to us. There are differences in places between the conclusions we reached then and those in this report.
- 1.4 The timescale for the preparation of this report was reduced – the EiP itself having been extended into a second week to deal with site specific issues, which has eaten into reporting time. There is a deadline which relates to the date by which the revisions are intended to go to the Assembly before the summer recess. We make no complaint about that, but in some places we may have presented the evidence a little more briefly than previously.
- 1.5 We wish to stress once again the importance of the Strategic ("SP") policies. These are not the subject of revision. We have in all cases had them firmly in mind in considering our recommendations.

A note to States Members

- 1.6 We were asked to make some comments on aspects of the EiP process, which we were told is under review, and these are set out in Chapter 6. We wish to draw attention to the points we make there about the role of States Members.
- 1.7 Of course we respect the political processes of the States and do not for a moment suggest that our views as unelected Inspectors should outweigh those of elected Members. But having said that, we have with the co-operation of many Island residents and organisations, and officials from various Departments, carried out an intensive assessment of the issues raised by the proposed revisions. Elected Members were specifically invited to take part in this. We are particularly grateful to those who did so, but they were few in number, especially on the policy issues.

- 1.8 We make two brief points here. Firstly, as we discuss in Chapter 6, it cannot be efficient for Members who have taken no significant part in the lengthy process which has taken place to start to introduce new issues at the very last moment.
- 1.9 And secondly, we are essentially in the position of having a review primarily because the Assembly made decisions in 2011 which were in effect unsustainable. Members rejected sites which had been proposed for residential development – as they were of course entitled to do; but they replaced them with sites which were very unlikely to come forward in the necessary timescale – which has of course come to pass. This was entirely foreseeable, to such an extent that Policy H1 of the Plan contained a provision for an early review to take place if and when those sites did not come forward within a reasonable period.
- 1.10 There were those at the 2014 EiP who feared that history might repeat itself, that key sites might be rejected without adequate replacement, and that another EiP would be necessary in a very short time. These decisions – as is often the case with important planning matters – are challenging, and may be unpopular in some quarters.
- 1.11 We hope those people are wrong. It is clear from the evidence that leading Members understand the severity of the housing problems facing Island residents. Therefore the difficult decisions which are needed might this time be made. As we say, that is a matter for Members and not for us; but we think it is important for Members to be aware of this background and to think about the consequences of their decisions in this context.

CHAPTER 2: POLICY GD2

Introduction

2.1 This aspect of the *Proposed revision* differs from the others in proposing to delete a policy – General Development Policy 2 – without modification or replacement. There were 60 responses to the consultation: some 28 objecting, 25 supporting and 7 commenting. The Policy states:

Policy GD 2: Demolition and replacement of buildings

The demolition of a building or part of a building will not be permitted unless the proposed development:

1. *involves the demolition of a building or part of a building that it is not appropriate in sustainability terms to repair or refurbish; and*
2. *makes adequate provision for the management of waste material arising from demolition in accord with policy WM1 'Waste Minimisation and New Development'; and*

The demolition of a building or part of a building will also not be permitted where the proposed development:

3. *would have an unacceptable impact on a Listed building or place in accord with Policy HE 1 'Protecting Listed buildings and places' and Policy HE 4 'Demolition in Conservation Areas' or protected species and their habitats, in accord with Policy NE 2 'Species protection';*
4. *would have an unacceptable impact on the character and amenity of the area;*

The replacement of a building or part of a building will not be permitted unless the proposed development:

5. *enhances the appearance of the site and its surroundings;*
6. *replaces a building that is not appropriate to repair or refurbish.*

2.2 It was included in the Plan with the aim “to promote a culture of re-use of buildings rather than demolition and rebuilding.” In proposing its removal the Minister refers (IP2) to difficulties with its application experienced in practice, further highlighted during the preparation of Draft, unissued, Supplementary Planning Guidance (OS2). He also refers to other Plan Policies regulating demolition.

2.3 The demolition of a building in whole or in part is an act of development as defined by Article 5 of the Planning and Building (Jersey) Law 2002, generally requiring express planning permission with only limited exceptions permitted by Article 2 and Schedule 1 Part 7 of the Planning and Building (General Development) (Jersey) Order 2011. Any planning application for demolition would continue to be subject to consideration under other Plan policies.

2.4 Leaving aside, just for the moment, Policy GD2 criterion 1, major development proposals (eg 10 or more houses) would, as now, continue in any event to be subject to Policy WM1 requiring a Site Waste Management Plan. This requirement is now subject to Supplementary Planning Guidance and, we heard, effectively applied in practice with the important objectives of minimising land fill disposal and maximising reuse and recycling, and at least for larger developments fulfills the aims of GD2 (2). Demolition proposals affecting listed buildings and/or protected locations would similarly continue to be subject to consideration in accordance with safeguards in Policies HE1: *Protecting listed buildings and places*; HE 4: *Demolition in Conservation Areas* or NE2: *Species protection*, as referred in GD2 (3).

2.5 The Minister also drew attention to the fact that all proposals would continue to be subject to consideration under Policy GD1: *General development considerations*, which sets out a wide range of safeguarding requirements, GD7: *Design quality* and, where so located, Policy NE6

Coastal National Park or NE7: *Green Zone*, which directly and indirectly by reference to other Plan Policies provide (still setting aside GD2(1)) a comprehensive range of assessment criteria that more than cover the aims of GD2 (4) and (5).

- 2.6 We therefore do not accept objections to the loss of Policy GD2 stemming from dislikes of particular replacement developments, actual or foreseen, since these do not directly relate to this Policy but more to planning judgments in the application of other aspects of the Plan.
- 2.7 We therefore now turn to Policy GD2 (1) and (6), which we see as at the heart of the issue, and which turn on the phrase “sustainability terms”. The generally accepted definition of sustainable development, as noted in the Working Draft SPG, is that in the Brundtland Report *Our Common Future* (1987): *Development which meets the needs of the present without compromising the ability of future generations to meet their own needs*. This in turn, and again as noted in the Working Draft SPG, is generally treated as comprising 4 aspects: social, environmental, economic and prudent use of natural resources, most aspects of which can be properly addressed through a sound application of the other Plan Policies. However, an important – many would say vital – element of the environmental component concerns minimising Green House Gas emissions, generally measured in CO_{2e} (carbon dioxide equivalent).
- 2.8 In principle it is possible to assess the embedded carbon retained in an existing building, expended in its refurbishment and operational carbon emitted over the remainder of its expected life, and to compare the net impact against the embedded carbon expended in its demolition and replacement together with the latter’s annual operational carbon emitted over the equivalent period. We heard assertions that retention and refurbishment will generally be preferable, because of the high emissions during demolition and replacement, or conversely that replacement may well be preferable because of the potentially much more efficient replacement in use and maintenance. There are methodology tools available for this, such the Carbon Profiling Model published by the RICS¹ in conjunction with others (appended to OS2). It is evident, however, that the use of such tools is far from straightforward, particularly taking into account practical considerations such as estimating the whole life expectancy of existing and replacement buildings, the fact that different elements of a building may have different life expectancies or that a replacement will not always be like for like. Just by way of example: the demolition of a single house and its replacement by several may well in isolation increase carbon emissions, but less so than its retention combined with the erection of the equivalent number of new houses on another site. To such complexities simply in assessing CO_{2e} need to be added the other aspects of sustainability referred to in the preceding paragraph.
- 2.9 We keep in mind the separate requirement for a full Environmental Impact Assessment for proposals prescribed by the Planning and Building (Environmental Impact) Order 2006, including for example larger urban development projects which might well give rise to sustainability issues with respect to demolition.
- 2.10 In our examination of the then Draft Plan in 2010 we were supportive of the introduction of Policy GD2 and remain so regarding a general principle to consider retention and refurbishment as an option before embarking on demolition and replacement. However, we are reassured by the evident firming up of control of demolition waste and note also the Minister’s separate intention to amend the Island’s Building Regulations still further to require incrementally improved energy efficiency in new buildings. We note also the Minister’s intention to require design statements to include a simple “Sustainability Checklist”. On balance, and combined with the proper exercise of discretionary decision making with regard to the merits of individual applications in the light of other Plan Policies, we conclude that the Minister has made the case for omitting Policy GD2.
- 2.11 **Recommendation: that the Minister proceeds as he intends.**

¹ Royal Institution of Chartered Surveyors

CHAPTER 3: POLICIES NE6: COASTAL NATIONAL PARK AND NE7: GREEN ZONE

Introduction

3.1 The *Proposed revision* includes extensive changes to Policies NE6 and NE7, together with their respective preambles, consequential changes to Policy NR9: *Utilities infrastructure facilities*, and the introduction of a new Proposal 4a: *Restrict permitted development rights in the Coastal National Park*. As the Briefing Note confirms, the background to this were perceived difficulties applying the existing Policy NE6 to individual applications, underscored by a number of Royal Court appeal decisions and a mixed response to Draft Supplementary Planning Guidance (SPG) intended to clarify matters (PC1). The extensive changes proposed to Policy NE7 are essentially to maintain overall consistency of approach as between the Coastal National Park (CNP) and Green Zone (GZ).

Policy NE6: Coastal National Park

3.2 There were 66 responses to the *Proposed revision* with respect to NE6, 24 objecting and 27 supporting, with the remainder making comments short of objection or support. The main issues as we see them are as follows.

- In principle would Policy NE6 be better explained in separate SPG or within the Island Plan?
- To the extent that the Policy requires clarification in its application, do the proposed changes succeed?
- Do the changes weaken or strengthen protection for the CNP; if so, in what ways and would the outcomes be desirable?
- Should steps be taken to restrict permitted development rights within the CNP?
- Could the Policy and/or its preamble text be made more succinct without loss of clarity?

Supplementary Planning Guidance or within the Plan?

3.3 No one questioned the need for background guidance and both options had proponents in a thoughtful hearing debate. Favouring the principle of SPG is increased future flexibility, should the need arise, since the Minister may amend it relatively easily following a non-statutory consultation process; revisions to the Plan are more difficult and onerous, requiring a statutorily prescribed consultation process, independent scrutiny and States approval. Conversely policy and guidance within the Plan itself provides greater certainty and can be expected to carry greater weight in decision making.

3.4 We do not express strong views, since in either event the Policy itself will be pivotal in decision making. We have, however, kept in mind the requirements of Article 4(2) and 4(5)(b) of the 2002 Law, which respectively require the Plan to include "a reasoned justification of each" policy and consist, amongst other things, of "such additional diagrams, illustrations and other descriptive explanatory matter as the Minister considers necessary to explain and illustrate the Minister's proposals." We do not suggest, of course, that these requirements in principle preclude the use of separate SPG; for example we strongly commend the Minister's intention to so designate the Countryside Character Appraisal 1999 (CCA). However, it seems inevitable that SPG aimed directly at clarifying Policy NE6 would substantially overlap with material required by statute to be within the Plan, risking inconsistency at least in interpretation. On balance, we see the importance of protecting the CNP from inappropriate development as paramount, justifying its supporting text being incorporated within the Plan, if necessary at some length, rather than in a separate document.

3.5 **Recommendation: that the Minister progresses his intention not to issue separate SPG with respect to Policy NE6.**

To the extent that the Policy requires clarification in its application, do the proposed changes succeed?

3.6 The preamble now proposed picks up elements of that in the extant Plan, but read as a whole the substantial changes come close to complete redrafting. In essence the existing text sets out the case for a CNP; defines its primary purposes; explains the basis of its extent; and then outlines the

thinking underpinning the approach to development proposals, leading to the Policy itself. Compared with the *Proposed revision* the extant approach is more generic – mainly directed towards an unspecified range of possible development types – and refers to resulting impacts including by reference to other Plan policy objectives. The extant preamble does, however, expressly preclude the conversion and re-use of existing buildings for residential purposes “as this would serve to undermine the Plan’s Spatial Strategy ... and detract from the objective of a more sustainable pattern of development” It also opposes any form of redevelopment of modern agricultural buildings or glasshouses.

- 3.7 The now proposed preamble sets out the case for and extent of the CNP more briefly; restates its primary purposes; introduces a statement regarding the purpose of planning policy with regard to the CNP; and is then very much longer in setting out the basis of decision making in respect of different, specified development categories and sub-categories as follows:

Residential

- Extension of a dwelling
- Redevelopment of existing dwellings and ancillary residential buildings or structures
- Creation of new households
- Extension of domestic curtilage

Employment land use and buildings

- Extension and intensification of [employment] use
- Redevelopment of existing employment buildings for the same employment use
- Change of use: conversion to other employment use
- Change of use: conversion to residential or other non-employment use
- Redevelopment of existing employment buildings for other employment or non-employment use

Cultural and tourism uses

Minor development (incorporating the Proposal to explore restricting permitted development rights)

Strategic development (utility scale renewable energy, public water supplies and mineral extraction)

- 3.8 This leads to the Policy itself, which similarly addresses the different development categories in turn, as reproduced below in Annexe 1 to this chapter alongside the existing Policy for comparison purposes. It will be immediately apparent that the proposed policy is much longer than the existing, and so too is the preamble text. That is not inherently undesirable, provided that the outcome is greater clarity and ease of reference for users. A number of respondents to the consultation, and participants at the EiP, questioned the need for change at all, arguing that the existing Policy and its preamble are clear in their intent and that problems arose from poor decision making rather than poor drafting. Mr Stein amongst others foresaw fewer problems following the introduction of merits based appeals, to be considered by a planning Inspector rather than the Royal Court. Mr Dixon, an experienced advocate and a party to a Royal Court judgment prayed in aid by the Minister, was adamant that problems in that case arose at the decision rather than policy stage. The National Trust, amongst others, argued that Royal Court decisions adverse to the Minister point to a need to review decision making within his department, to ensure compliance with the Law, rather a rush to rewrite policies democratically endorsed by the States Assembly.
- 3.9 We do not accept that final point: the role of the Royal Court in determining the “reasonableness” of planning decisions remains, in the absence of any other form of appeal, wider than the more narrowly legalistic approach of the UK Courts. None of the judgments referred to make much direct criticism of the extant Plan (and one pre-dates it) but they do include criticisms of the way Policy NE6 had been interpreted and applied, with adverse costs awarded against the Minister, which is surely his point in seeking to clarify the Policy and its supporting text. He referred to the lack of any specific reference regarding outbuildings, assured us that there have also been other difficulties with the Policy’s application, and that these are reflected in responses to the SPG draft, which point toward the need for a more objective approach. Although perhaps flattered we are unconvinced that such difficulties would necessarily be overcome by an Inspector led, merits based appeal system: clarity and consistency require policy that, so far as can be achieved, all concerned can readily interpret in much the same way.

- 3.10 Sticking, just for the moment, solely to the question of clarity, the Minister has been clear that his Interim Review was driven by housing issues. This in turn afforded an opportunity to look again at Policy NE6. We lean towards the view that the extant Policy NE6 and its supporting text are reasonably accessible and understandable, and would not in isolation have warranted a review of the Plan just 2 years into its life. However, they do concern proposals that may well be inherently complex and highly sensitive given their location. For this reason, and given that there have evidently been some problems in practice, we can see that disaggregating potential development categories and addressing each separately does offer scope for enhanced clarity and consistency of outcome with regard to individual planning proposals.
- 3.11 **Recommendation: that subject to our more detailed recommendations and illustrative revisions, in the interests of increased clarity and consistency of decision making the Minister progresses the form and layout of Policy NE6 and its preamble along the lines set out in his Proposed revision.**

Do the changes weaken or strengthen protection for the Coastal National Park; if so, in what ways and would the outcomes be desirable?

- 3.12 Views on this issue, in consultation responses and as put to us at the EiP, varied from those who saw the changes as strengthening planning safeguards within the CNP – welcome to some and decried as dictatorial by others – to those who perceived and decried the changes as weakening controls or at any failing to strengthen them adequately. It might be tempting to conclude that the Minister must therefore have got it about right; but this would do an injustice to a complex set of considerations.
- 3.13 Those who saw, and decried, the changes as lowering safeguards against harmful development urged increased use of objective, measurable criteria including for example specified maximum percentage increases in floor areas. Words such as “harm” were seen as too vague. The now superseded St Ouen’s Bay Planning Framework (OS1) was cited as a desirable example as were policies in the 2002 Island Plan with respect to the Zone of Outstanding Character. The widely praised CCA was seen as having been marginalised. As one aspect of a detailed critique, The National Trust for Jersey (NTfJ) opposed the intended change with respect to the potential residential conversion of existing non-residential buildings, initially raised in their response to consultation on the Draft SPG. Deputy Young, while welcoming the changes as strengthening safeguards, wanted to see the Policy facilitate the creation of multi-generational homes.
- 3.14 Those who saw the changes as overly dictatorial described them as unduly directed towards what will not be allowed rather than providing guidance on what might be, and suggested that the impending merits based appeals service would provide adequate safeguards within a more discretionary policy framework. In this context both the CCA and *Guidelines for Landscape and Visual Impact Assessment*² were seen as useful assessment tools. The facility to enlarge an existing home was seen as inconsistent with the requirement for a replacement to be the same size as its former dwelling. Mr Harding also submitted a sketch illustrating how the proposed floorspace and footprint limitations for a replacement building, while being technically met, could result in increased apparent mass and visual impact through additional height. The lack of provision, quite the reverse, for the erection of ancillary buildings, even perhaps as an alternative to extending a dwelling, was particularly criticised. Limiting residents’ ability to improve or enlarge their CNP home was described as neither necessary nor reasonable – a form of social engineering in conflict with human rights. Indeed it was put to us that facilitating a number of new, prestigious homes within the CNP could attract more, high net-worth residents to the Island, benefitting the economy.
- 3.15 Broadly similar points were raised with respect to employment and other non-residential proposals, in particular, the Policy regarding extensions and/or intensification of use was seen as inconsistent with its requirements that redevelopments be no larger than the building being replaced.
- 3.16 We start from the premise that the CNP is, and must be treated as, a very special place warranting firm planning control over development in conjunction, separately, with a Management Plan to address ongoing uses, care and maintenance. It includes coastal areas of the most natural beauty, wildlife and heritage value. As well as being more than worthy of protection for its own sake, a

² The Landscape Institute/Institute of Environmental Management & Assessment; widely endorsed for use within the UK

place where such events as the Line in the Sand suggest that a large number of Jersey residents are likely to feel a sense of collective commitment, it should also be seen as a key economic asset, an important component of the Island's image to attract investment and visitors alike. Several of those present at the hearing evidently felt uncomfortable with the Minister's representative referring to a CNP "brand", but actually we see this as entirely desirable, not with commercial connotations but as a recognisable "public good" with which many individuals can associate. Safeguarding policies should not be seen as in some sense striking a balance with the Island's economic objectives but rather reinforcing them.

- 3.17 The key approach within the CNP since its inception is the strongest, initial, presumption against any form of development. It is hardly surprising therefore that Policy NE6 is not framed to guide what might be permitted, and we would not wish to see it otherwise. The CNP's extent, however, is wider than that addressed by the former St Ouen's Bay Planning Framework and very much more so than the former Zone of Outstanding Character, which was limited to the CNP's most remote areas. The CNP encompasses homes and businesses and so its planning framework will inevitably be more complex. We also note, as an aside, that the St Ouen's Bay Planning Framework policies were less objectively expressed than is now being suggested; their application called in many cases for discretionary judgment.
- 3.18 This is a key issue, the Island Plan does not directly determine planning applications but sets out the basis against which to assess them. And although Policy NE6 is the most directly relevant for proposals within the CNP, it must be read as a whole and in conjunction with other Policies such as those in the Plan's General Development Control chapter. What we might call the Anglo-Saxon approach, born from a common law background, requires a margin of discretion to decision makers that is less available in jurisdictions with a more codified Napoleonic approach. Unduly prescriptive policies risk unforeseen and perhaps undesirable outcomes. Several of the most controversial developments cited as illustrating a weakening of protection for the CNP in fact pre-date it and were permitted under the supposedly tougher regime of the 2002 Plan. Conversely, we have seen more recent examples of what, if only on superficial information, appear to us to have been rational, defensible refusals being held to illustrate some shortcoming to the current Policy.
- 3.19 On the whole we see the greater degree of objectivity, stopping short of prescriptive criteria, as a desirable (though no stronger than that) policy progression. For example, the proposed requirements 1 a – e (recorded at Annexe 1 below) for residential extensions are more objectively based when compared to the equivalent single criterion 1 (similarly recorded) in the extant Policy. They provide a clear steer against excessive enlargements but stop short of rigidly prescribing numerical or percentage limits, which might well risk a tick-box approach, losing sight of resulting impacts.
- 3.20 We share the widespread high regard had to the CCA. The extant Plan introduces this Appraisal at paragraph 2.46, some way in advance of its introduction to the CNP, as a topic in its own right leading to Proposal 4. This requires the Minister to have regard to the CCA when determining proposals for development which affects the Island's coast and countryside. Proposal 4 goes on to confirm that the primary consideration will be to protect and enhance the character of the Island's coast and countryside and that the landscape impact of development proposals on the coast and countryside will be assessed and determined against the CCA, which will be issued as SPG. Those overarching commitments, unaffected by the *Proposed revision*, continue to apply to the whole of the CNP and GZ. Subsequent reference in the Plan to landscape impact must therefore be read accordingly.
- 3.21 The extant Plan and *Proposed revision* preambles to Policy NE6 each refer to the role of the CCA in defining the extent of the CNP and the extant paragraph 2.64 makes one further reference confirming that the areas comprising the CNP are accorded the highest level of protection in the CCA. The preamble in the *Proposed revision*, at paragraph 2.59 similarly accords such a level of protection but now referenced to the stated objectives of the Park. Elsewhere, and in contrast to the extant Plan, the *Proposed revision* preamble makes further express references to the CCA at paragraphs 2.65, 2.78, 2.98 and 2.102, requiring that regard be had to it with respect to residential extensions, employment extensions or intensifications, replacements for employment buildings and cultural/tourism uses respectively. Neither the extant nor *Proposed revision* Policy NE6 itself refers

directly to the CCA though each commences with an identical strongest presumption against development. There is nothing here to suggest that the CCA is being downplayed by the *Proposed revision*, perhaps the reverse, however selective references to it in the preamble, for example with regard to residential extensions but not replacements, might imply a lesser importance in the latter case. Our illustrative redraft of the *Proposed revision* preamble and Policy are worded accordingly.

- 3.22 The Council for the Protection of Jersey's Heritage (CPJH), supported by others at the hearing, urged instead that the Plan should have a new Policy on Landscape Protection (NE6/CPJH), which would give substance without repetition to all other applicable policies, in particular those regarding the CNP and GZ. We especially welcome specific, drafted, suggested inputs to the Plan. This one has much to commend it, but would represent a very real and material change to the Plan by giving absolute primacy to landscape and seascape in the assessment of any planning application. There is no doubting the importance of landscape protection, not least in Jersey, and we note above the requirements of extant Proposal 4, but the Plan currently has 7 Strategic Policies: SP1 *Spatial strategy*; SP2 *Efficient use of resources*; SP3 *Sequential approach to development*; SP4 *Protecting the natural and historic environment*; SP5 *Economic growth and diversification*; SP6 *Reducing dependence on the car*; SP7 *Better by design*. These are not subject to the current interim review and neither are they flagged up for consideration in the terms of States Proposition P 71/2013. SP4 sets a high priority to protect, amongst other things, countryside and coastal character types, within which landscape and seascape are important but not exclusive components. We see no basis for recommending any change to the scope of the SP Policies in the manner suggested.
- 3.23 Protection of residential amenity, beyond that sought generally, is not an express objective of the CNP designation, but it is an incidental benefit – we suggest a very considerable one – for those living there. Compared with someone living within the Built Up Area (BUA), or even the GZ, their home is appreciably less likely to be affected by future nearby development proposals. An important corollary, however, is that since their own home is a part of and contributes to the character and appearance of the CNP, it must justifiably be subject to the same safeguarding policies. The cumulative enlargement of existing dwellings, and associated increases in resident population and activity, would undermine the area's open character as surely would wholly new housing. Nor do we accept arguments to the effect that if something cannot be seen, by screening or by underground construction, then it should be treated as acceptable. In either event the resulting development would still exist, adding to the totality of development within the CNP and probably increasing residential activity, all in conflict with the primary purposes of designation.
- 3.24 We see nothing inequitable, much less any conflict with human rights legislation, in policy aimed at curbing the degree of enlargement of existing dwellings within the CNP, where very few, if any, new dwellings are likely to be authorised. We also see no case, rather the clearest objection, to the idea of an exception to facilitate new country homes within the CNP for high net-worth incomers. Such an approach, as well as undermining public support for the CNP, would destroy its character – the antithesis of the stated purposes of designation and associated planning policy. Mr Dixon, based on his considerable relevant professional experience, assured us that he knew of no case of a high net-worth individual declining to come to Jersey because they could not then build a house in a location of their choosing.
- 3.25 We asked the Minister for a further note (NE6/STATES/1) regarding the NTfJ concerns regarding the *Proposed revision* Policy NE6 section 10 which, subject to limitations, expressly facilitates the change of use of employment land and buildings (involving conversion of a building) to residential use. The existing NE6 includes a “strong presumption against the use of commercial buildings for purposes other than that which permission was originally granted.” The only, qualified, exception regarding re-use (as distinct from replacement) refers solely to “an employment-related purpose in support of the agricultural industry or rural economy.” The Policy goes on later to state that “The conversion and re-use of other existing buildings for residential purposes will not be permitted”, however we view that as a separate and additional restriction, not as implicitly undermining the preceding clear and seemingly comprehensive statement expressly directed to commercial buildings. The Minister's note confirms his intention in the *Proposed revision* to make explicitly clear that the conversion of employment buildings (excluding modern agricultural buildings and glasshouses) to residential use may be permissible in the CNP (and GZ as we consider below) subject to the tests set out, and that this approach was flagged up in the Draft SPG.

- 3.26 The *Proposed revision* NE6 preamble sets out (paragraphs 2.88 – 2.93) in some detail further restrictions in the assessment of such an application in the CNP, and provides us some comfort. Even so, we recognise the strength of the National Trust's concerns: rather than simply responding to circumstances, the likely disparity in monetary value between a potentially redundant commercial building and its residential use within the CNP could prove the catalyst to such applications. The policy provision might induce an owner to look less diligently for future commercial occupants of premises. This would be inconsistent with the generally restrictive approach to residential development within the CNP, where additional households and associated domestic activity would threaten the very character that led to its designation, and also with Plan aims generally to safeguard employment land and buildings.
- 3.27 **Recommendation: that the Minister does not introduce any less stringent policy than exists now with regard to changes of existing buildings to residential uses within the Coastal National Park.**
- 3.28 We do not support a policy provision to allow multi-generational dwellings: a "dower" dwelling or more prosaically a "granny" annexe. We understand the motivation for this suggestion, but even if eventually reintegrated with the main dwelling the outcome would add both to the quantum of built development and likely level of residential occupation within the CNP, in clear conflict with the purposes of designation. Ownership of a home in the CNP should not carry with it an expectation of substantial additional development, in effect according rights that would not be countenanced to anyone seeking to move to the CNP from elsewhere.
- 3.29 In somewhat similar vein, we do not accept that the *Proposed revision* makes an unjustified distinction between house extensions and replacement dwellings. The provision for extending an existing house, itself subject to a number of important caveats, represents an altogether lesser degree of intervention in the CNP – a much smaller exception to the strongest presumption against any form of development – than would a completely new house, even one built to replace another. Inherently a proposal to replace an existing dwelling implies that the outcome is perceived as providing a better home than that being replaced and we see no justification for making a further exception allowing it to be larger. Similarly, the limited provision for house extensions does not, in our view, logically require also permitting the erection of separate, free-standing ancillary domestic buildings, which will generally have a greater impact within the CNP.

Strategic Development

- 3.30 The concluding section of the extant Policy NE6 (below) recognises that renewable energy production might need to be considered within the CNP; section 17 of the *Proposed revision* version (also below) addresses the Island's possible strategic needs more widely. Subject to important qualifications it would facilitate renewable energy measures, utility infrastructure facilities and new or extended mineral working within the CNP. The Policy preamble, at paragraph 2.113, includes a reference to public water supplies and specifically that this might include expansion of Val de la Mare reservoir located within the CNP. In response to an objection by Jersey Water the Minister is now minded to amend paragraph 2.113 to add a reference to the possible extension, replacement or renewal of La Rosière desalination plant, also within the CNP, and Jersey Water's representative at the hearing confirmed that this would meet their concerns.
- 3.31 Strictly speaking, neither the *Proposed revision* Policy nor its preamble would, even as they stand, preclude consideration of proposals for the desalination plant; but we can understand that a specific reference only to the reservoir might be read as implying an intended distinction. There was some disquiet expressed by others at the hearing, but we again stress that the Island Plan does not determine planning applications, and that any such proposals would still need to be assessed on their merits having regard to Policy NE6 and indeed the Plan as a whole, which might well also require a full Environmental Impact Assessment.
- 3.32 **Recommendation: that the Minister proceeds as he intends with respect to *Proposed revision* paragraph 2.113 and with the consequential changes to Policy NR 9: *Utilities infrastructure facilities* and its preamble.**

3.33 Paragraph 2.113 of the *Proposed revision* Preamble and Policy NE6.17.c signal a substantial change from the extant Plan with respect to mineral working in the CNP, not least with regard to sand quarrying at St Ouen's Bay. This change was referred to by the National Trust for Jersey and Deputy Young, but in general attracted little comment, perhaps surprisingly so since we recall that the issue was controversial in advance of the Plan's adoption against a background then of an evolving Minerals Strategy for the Island. Minerals can be worked only where they lie and, keeping in mind the substantial detailed safeguards in the *Proposed revision* Policy NE6 and extant Policy MR3 we shall not make any recommendation beyond drawing attention to the changed approach.

Should steps be taken to restrict permitted development rights within the CNP?

3.34 The Planning and Building (General Development) (Jersey) Order 2011 confers a general permission for a range of generally minor developments, subject to specified limitations, without the need for individual planning applications. As things stand the Order applies equally within the CNP as in other parts of the Island. The Minister intends to introduce a new Proposal within the Plan with a view to restricting the Order's application within the CNP. This would necessitate its own statutory process, specifying the particular restrictions, with consultation and opportunities for comment.

3.35 There were 55 responses, 10 objecting, 39 supporting and 6 commenting. As reflected also at the hearing, those supporting the Proposal submit that individually minor, but perhaps poorly thought out, developments can erode the special qualities of the CNP in ways that justify making them subject to planning control. Those opposed challenge this assertion, submitting that any perceived problems arise from decisions to permit a number of controversial, sizeable, and at least arguably harmful, developments within the CNP. These should not misdirect action so as to require innocuous minor developments, say by individual householders or small businesses, to be subject to disproportionate cost and delay in seeking approvals, particularly bearing in mind that such minor developments will necessarily be within an existing curtilage subject to the strongest presumption against its enlargement.

3.36 We fully recognise the value of the 2011 Order in allowing many smaller developments to proceed, straightforwardly and lawfully, without planning applications that would be a burden on those concerned and place probably impossible pressures on the planning authority. These benefits do however, in Jersey as elsewhere, represent a pragmatic compromise. The Order cannot foresee every possible development proposal and its particular circumstances: not all permitted developments would be approved if subject to a planning application, indeed there is a maxim within the planning profession that sometimes "lawful can be awful" in this context. And even short of that, the greater care engendered by having to prepare a planning application, which is then scrutinised, can be expected overall to enhance outcomes. We will of course not comment on the "poor" permissions for more major schemes, beyond noting that most if not all of those cited pre-dated adoption of the 2011 Plan and that they do not in any event affect consideration of the cumulative impact from minor developments. Our own firm view is that the special, but sensitive and vulnerable, qualities of the CNP fully warrant consideration to restrict permitted development rights within it.

3.37 This does not mean that such minor developments would be prohibited, but they would need to be subject to individual planning permissions. Doubtless an assessment will need to be made of how many additional applications would arise from any particular level of restriction, and how that might impact on handling performance within the Department, but those are issues for the subsequent process as is consideration of the extent to which the limitations should bear on utility undertakings.

3.38 All participants, whether supportive or opposed to the principle, agreed that planning applications that would not otherwise be required should be fee exempt, which would accord with UK practice. The measure is proposed in the public interest, manifest in a high quality CNP, and we would see fee exemption in these circumstances as equitable and justified. The Minister has indicated that he is so minded.

3.39 **Recommendation: that the Minister proceeds as he intends with respect to the *Proposed revision* Proposal to limit permitted development rights within the CNP and with a view to making planning applications that would result as a consequence to be fee exempt.**

Could the Policy and/or its preamble text be made more succinct without loss of clarity?

- 3.40 We consider that there is scope to do so, though only to a modest degree given the Policy's undoubted importance, the complexity and sensitivity of its topic coverage and our preference to see it justified and clarified only in one place, within the Plan. Duplication is unavoidable if the preamble is to be structured around development categories. However, provided that it is viewed more as a reference source, where users dip into a section relevant to their proposal, rather than as a narrative piece of prose, we do not see the preamble as over-long for its purpose.
- 3.41 We do, however, proffer a suggested illustrative preamble revision (Annexe 2 below) that is somewhat more succinct than that in the *Proposed revision* but intended to be to a similar end, though it also takes account of the Minister's *proposed amendments* (January 2014) and reflects the recommendations we make elsewhere in this Chapter. The principles we have applied to achieve a roughly 27% word count reduction was to curtail historical background and justification for the now established CNP and also the narrative thread to the policy justification and explanation. We do not for one moment suggest that this could simply be applied verbatim but hope that it may be of help in pointing the way. On a similar basis we proffer a suggested illustrative version of the Policy itself, primarily by expunging any further reasoned justification and explanation and focusing simply on what may or may not be permitted.

Policy NE7: Green Zone

- 3.42 As noted above, the *Proposed revision* changes with respect to the Green Zone were more to retain a consistency of presentation and approach with the Coastal National Park, rather than because of perceived problems with Policy NE7 as it stands. There were 60 responses: 25 objecting, 22 supporting and 13 commenting. Unlike Policy NE6, there has been no Draft Supplementary Guidance published or seen as potentially necessary. The main issues as we see them are:
- To the extent that the Policy requires clarification in its application, do the proposed changes succeed?
 - Do the changes weaken or strengthen protection for the GZ; if so, in what ways and would the outcomes be desirable?
 - Could the Policy and/or its preamble text be made more succinct without loss of clarity?

To the extent that the Policy requires clarification in its application, do the proposed changes succeed?

- 3.43 As with Policy NE6, the *Proposed revision* preamble to Policy NE7 similarly focuses on development categories and sub-categories, differing in certain details from those recorded above at paragraph 3.5 but following a similar approach, leading to the *Proposed revision* Policy NE7. We have not, in this case, set the extant and proposed preambles out side by side, since each is readily available and the comparison we have included at Annexe 1 with respect to the Policy NE6 preamble serves broadly also to illustrate the type of change envisaged by the Minister in the preamble to Policy NE7.
- 3.44 There is little to suggest that there has been any systemic problem in the interpretation or application of Policy NE7 as it stands. As with Policy NE6 we are very cautious about treating dissatisfaction at the outcome of individual applications as indicative of some shortcoming with the way the policy and its preamble are expressed. We have seen nothing to suggest that the Plan as it stands is leading to objectively perverse outcomes.
- 3.45 However, in light of our previous conclusion that the revised approach proposed for Policy NE 6 and its preamble would enhance the clarity of decision making within the CNP, we accept the case for adopting a broadly similar formulation in the drafting of Policy NE7 and its preamble, so that users can more readily appreciate the similarities and differences in the substance between the Plan's policies for the two defined areas of the Island.
- 3.46 **Recommendation: that subject to our more detailed recommendations and illustrative revisions with respect to Policy NE6 and its preamble, in the interests of consistency of approach, and increased clarity and consistency of decision making, the Minister progresses the form and layout of Policy NE7 and its preamble along the lines set out in his *Proposed revision*.**

Do the changes weaken or strengthen protection for the GZ; if so, in what ways and would the outcomes be desirable?

Could the Policy and/or its preamble text be made more succinct without loss of clarity?

- 3.47 As with the debate regarding Policy NE6, views on this issue varied from those who saw the changes as strengthening planning safeguards within the GZ – welcome to some and decried as overly restrictive by others – to those who perceived and decried the changes as weakening controls or at any rate failing to strengthen them adequately. On the whole, however, there was a somewhat greater preponderance towards those who see Policy NE7 as overly restrictive and being made more so. In particular, again echoing the Policy NE6 debate, increased reliance on floor areas and building footprints was criticised as displacing more flexible, impact based assessments, particularly those making use of the CCA and *Guidelines for Landscape and Visual Impact Assessment* referred to previously.
- 3.48 No one suggested that there should not be firm controls over development in the GZ, but whereas some had seen proposed Policy NE6 as weakening control in the CNP, by making it closer to the proposed NE7, so others argued that NE7 would become overly restrictive by bringing it closer to NE6. Several participants urged increased flexibility within the GZ, in recognition of its role as a working landscape. For example, to enable resident farmers or others to infill on, say, small patches of land here and there for a new home to retain close family kinships, in the process reducing rather than increasing the need to travel. As with regard to the CNP, the intended approach to extensions and replacements was seen as inconsistent. The intended preamble paragraph 2.171 was described as pointless: setting out the approach to be taken towards minor proposals, which are, and are intended to remain, permitted development within the GZ. The Policy was seen to be moving in the wrong direction with regard to redundant commercial glasshouses. These were described as the Island's only worthwhile brownfield sites for affordable homes; the *Proposed revision* Policy was conversely seen as an embargo, in conflict with Policy ERE7, against any form of redevelopment. It was also criticised for making no specific provision for agricultural development within the GZ.
- 3.49 As may be expected, others saw things very differently, arguing that the Policy criteria remain insufficiently objective, overly reliant on undefined subjective terms such as “serious harm”, “harm” or “significant”. Specific criteria related to floor areas and building footprints were again seen as offering better and more predictable protection to Jersey's countryside, although there was some common ground between protagonists regarding use of the CCA as a valuable assessment tool.
- 3.50 We do not accept suggestions that the *Proposed revision* would make Policy NE6 and NE7 indistinguishable in substance, though plainly there would similarity in format and a large degree of overlap is inevitable given that each relates to Jersey's countryside. However there are firmer controls in the former, in recognition of the special qualities and particular aims and purposes for the CNP, and recognition in the latter of the much wider extent, more varied character and greater range of appropriate uses within the GZ. For example, and in contrast to Policy NE6, the proposed NE7 retains provisions, in principle, for the erection of agricultural worker accommodation, multi-generational homes, erection of ancillary employment buildings and/or structures (which we take to include for agricultural purposes); and managed open space, such as allotments, playing fields, other amenity green spaces and cemeteries. Also, the seemingly similar provisions regarding minor developments would here be applicable only to proposals outside the scope of what is permitted by the 2011 Order.
- 3.51 As with our consideration of Policy NE6, the *Proposed revision* moves NE7 in the direction of objective criteria but, rightly, stops short of a mechanistic reliance on specified floorspaces, building footprints or the like which might lead to undesirable outcomes in unforeseen circumstances. Concepts such as “disproportionately large” give a measure of discretion but only at the margins, and individual planning decisions will remain open to first and third party (merits based) appeals in the event that one of the parties feels aggrieved by the outcome. As with respect to Policy NE6, and for similar reasons, we do not accept that the qualified exception to consider extensions to existing houses somehow warrants a further exception to enable a replacement dwelling (or replacement ancillary building) to be larger than that being replaced.

- 3.52 Somewhat akin to our response regarding multi-generational homes in the CNP, although Policy NE7 does, subject to safeguards, facilitate consideration of “granny annexes” within the GZ we do not support calls for a degree of flexibility that might countenance free standing new homes by way of infilling or rounding off for family reasons. Such developments were once commonplace in remote rural areas, but limited by considerations such as the availability of local employment and transport. Such limitations now barely exist, so the outcome would too readily substantially erode the Island’s countryside. We do, of course, elsewhere note the Plan provision for rural housing to meet local needs via Village Plans.
- 3.53 We reject firmly any suggestion that Policy NE7 should make some general provision to use redundant glasshouse sites for housing; taken as a whole, these sites even when derelict are not altogether out of character with their rural locations, whereas in most cases redevelopment for housing would conflict with the Plan’s strategic aims, not just as regards countryside protection but such things as transport, service provision and efficient use of resources. When the Plan is read as a whole, as it should be, it is clear that the strong presumption against the redevelopment of glasshouse sites for another use included within *Proposed revision* Policy NE7.14, is not an absolute embargo in conflict with Policy ERE7 but rather qualified by the latter.
- 3.54 **Recommendation: that the Minister proceeds along the lines set out in the Proposed revision but considers making Policy NE7 and its preamble more succinct following similar principles to those outlined in paragraph 3.41 and illustrated in the annexes to this Chapter.**
Les Quennevais School
- 3.55 The States Education, Sport and Culture Department initially objected to the lack of provision in Policy NE7 to allow consideration for the erection of a school within the GZ should the need arise. As all concerned know, this relates to an intention to relocate Les Quennevais School, and the site currently being considered lies just outside the BUA. The need to relocate and replace the existing school premises was set out by Deputy Ryan, the Minister for Education, Sport & Culture, who spoke about the condition of the existing building and lack of space for the current pupil roll, supported by the Parish Connétable Pallett but countered by Mrs Doleman, a local resident with a child at the school.
- 3.56 We stressed then, and repeat now, that there is no actual proposal before us: the issue is solely one of whether the Plan should make provision in principle that would enable a GZ site to be considered. The Minister (for Environment) has indicated his willingness to do so and we endorse that as sensible provision but without in any way commenting on the merits of relocation much less any particular site.

Recommendation: that the Minister proceeds as he intends with regard to education provision within the Green Zone.

Policy NE6 as existing	Policy NE6 as in the <i>Proposed revision</i>
<p>The Coastal National Park, as designated on the Proposals Map, will be given the highest level of protection from development and this will be given priority over all other planning considerations. In this area there will be the strongest presumption against all forms of new development for whatever purpose.</p> <p>The Minister for Planning and Environment recognises that there are existing buildings and land uses within the Coastal National Park and there will be a strong presumption against their redevelopment for other uses; their extension; and the intensification of their use.</p> <p>Exceptions will only be permitted where it is demonstrated that:</p> <ol style="list-style-type: none"> 1. extensions to existing residential buildings will not cause serious harm to the landscape character of the area, and where their design is appropriate relative to existing buildings and their context; 2. the redevelopment of existing residential buildings would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance; 3. proposals for new or extended cultural and tourism attractions are sensitively related to the distinctive landscape character and heritage of the area. <p>There will be a strong presumption against the use of commercial buildings for purposes other than which permission was originally granted. Exceptions to this will only be permitted where:</p> <ol style="list-style-type: none"> 4. the existing building can be re-used for an employment-related purpose in support of the agricultural industry or the rural economy, where that use would not detract from the character of the area; and, where this cannot be achieved; 5. their demolition and replacement with a new building(s) for another use would give rise to significant demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape and seascape character of the area through a significant reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance. It is expected that such improvements would arise, in particular, from significant reductions in mass, scale, volume and the built form of buildings; a reduction in the intensity of use; more sensitive and sympathetic consideration of siting and design which ensured the local relevance of design and materials; and a restoration of landscape character. <p>The conversion and re-use of other existing buildings for residential purposes will not be permitted in the Coastal National Park, in accordance with, in particular, Spatial Strategy and Reducing Dependence on the Car, and their conversion and re-use for uses other than residential will only be permitted where;</p> <ol style="list-style-type: none"> 6. the development proposals are in accord with Sequential Approach to Development and; 7. where they do not have any adverse visual impact and do not significantly intensify the use of land or buildings. <p>For the avoidance of doubt, there will remain the strongest presumption against:</p>	<p>The Coastal National Park, as designated on the Proposals Map, will be given the highest level of protection from development and this will be given priority over all other planning considerations. In this area there will be the strongest presumption against all forms of new development.</p> <p>The Minister for Planning and Environment, however, recognises that there are existing buildings and land uses within the Coastal National Park and that</p> <ul style="list-style-type: none"> • to prevent all development here is unreasonable; and • development may contribute to the purposes of the Coastal National Park. <p>Accordingly, the following exceptions to the strong presumption against development in the Coastal National Park may be permissible where they do not cause harm to the landscape character of the area:</p> <p>Residential</p> <ol style="list-style-type: none"> 1. the extension of a dwelling, but only where; <ol style="list-style-type: none"> a. it remains subservient to the existing building in terms of design and scale; and b. its design is appropriate relative to existing buildings and its context; and c. it does not disproportionately increase the size of the dwelling in terms of its gross floorspace or building footprint(24); d. it would not lead to a significant increase in the occupancy of the dwelling e. it does not cause harm to the landscape character of the area. 2. the redevelopment of an existing dwelling and/or an existing ancillary residential building and/or structure, involving demolition and replacement, but only where the proposal would: <ol style="list-style-type: none"> a. be no larger, in terms of gross floorspace, than the building being replaced(25); and b. not lead to a significant increase in the occupancy of the dwelling; and c. give rise to demonstrable environmental gains which make a positive contribution to the repair and restoration of the landscape character of the area by; a reduction in its visual impact; an improvement in the design and/or siting of the building and/or structure that is more sensitive to the site context and setting; or more sensitive use of materials, landscaping, or means of enclosure. <p>For the avoidance of doubt, there will remain the strongest presumption against:</p> <ol style="list-style-type: none"> 3. the development of a new dwelling (other than as a replacement under 2. above); 4. the development of a separate household by; the extension of an existing building; or by the extension of an existing building which, by virtue of its form and layout, is tantamount to and capable of the creation of a separate household; or, the conversion of an ancillary domestic building or part of an existing dwelling. 5. the change of use of land to extend a domestic curtilage; 6. the development of staff and key agricultural workers' accommodation.

<p>a. the change of use of any land to domestic use; b. the redevelopment of modern agricultural buildings; c. the redevelopment of glasshouses.</p> <p>The Minister will seek the removal of modern agricultural buildings and glasshouses, where they are derelict and/or redundant, in the Coastal National Park.</p> <p>Development proposals related to renewable energy production within the Coastal National Park will be considered in accord with Policy NR 4 'Exploratory, appraisal or prototype off-shore utility scale renewable energy proposals' and Policy NR 5 'Off-shore utility scale renewable energy development'.</p>	<p>Employment</p> <p>7. the extension and/or intensification of use of existing employment buildings and land, but only where;</p> <ol style="list-style-type: none"> a. the requirement for a coastal or countryside location in the Coastal National Park can be adequately justified; b. in the case of an extension, it remains subservient to the existing building in terms of its design and scale, and its design is appropriate relative to existing buildings and its context; and c. in the case of an intensification of use, it does not create undue noise, disturbance or a significant increase in travel and trip generation; and d. it does not cause harm to the landscape character of the area. <p>8. The redevelopment of an employment building(s), involving demolition and replacement for the same use, but only where it would:</p> <ol style="list-style-type: none"> a. be no larger, in terms of gross floorspace or building footprint, than the building being replaced(26); and b. in the case of an intensification of use, it does not create undue noise, disturbance or a significant increase in travel and trip generation; and c. give rise to demonstrable environmental gains which make a positive contribution to the repair and restoration of the landscape character of the area by; a reduction in its visual impact; an improvement in the design and/or siting of the building and/or structure that is more sensitive to the site context and setting; or more sensitive use of materials, landscaping, or means of enclosure. <p>9. the change of use of employment land and buildings (involving conversion of a building), to other employment uses, but only where:</p> <ol style="list-style-type: none"> a. it would accord with Policy E1: Protection of employment land; and b. the requirement for a coastal or countryside location in the Coastal National Park can be adequately justified; and c. in the case of an intensification of use, it does not create undue noise, disturbance or a significant increase in travel and trip generation; and d. it does not cause harm to the landscape character of the area. <p>10. the change of use of employment land and buildings (involving conversion of a building), to residential or other non-employment uses, but only where:</p> <ol style="list-style-type: none"> a. the redundancy of employment use is proven in accord with Policy E1: Protection of employment land, or where the development involves office or tourism accommodation; and b. it gives rise to demonstrable environmental gains and makes a positive contribution to the repair and restoration of the landscape character of the area by; a reduction in the intensity of occupation and use; and, a visual improvement in the design and appearance of the land and building(s); or c. it secures a viable alternative use for a traditional farm building in accord with Policy ERE4. <p>11. the redevelopment of an employment building(s), involving demolition and for another use, but only</p>
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	<p>where:</p> <ul style="list-style-type: none"> a. the redundancy of employment use is proven in accord with Policy E1: Protection of employment land, or where the development involves office or tourism accommodation; and b. be no larger, in terms of gross floorspace or building footprint, than the building being replaced(27). c. it would give rise to significant demonstrable environmental gains which make a positive contribution to the repair and restoration of the landscape character of the area by; a significant reduction in its visual impact; a significant reduction in the intensity of use; an improvement in the design and siting of the building that is more sensitive to the site context and setting; or more sensitive use of materials, landscaping, or means of enclosure. <p>12. New cultural and tourism development, but only where:</p> <ul style="list-style-type: none"> a. it supports the purposes of the Coastal National Park; and b. it is appropriate relative to existing buildings and its landscape context; and c. it does not cause harm to the landscape character of the area. <p>For the avoidance of doubt, there will remain the strongest presumption in the Coastal National Park against:</p> <ul style="list-style-type: none"> 13. the redevelopment of a modern agricultural building(s), involving demolition and replacement with a building(s) for another use; 14. the redevelopment of a glasshouse(s), involving demolition and replacement with a building(s) for another use. <p>Minor development</p> <ul style="list-style-type: none"> 15. Development that is small in scale and incidental to the primary use of land and buildings, but only where: <ul style="list-style-type: none"> d. it is well sited and designed, having regard to the relationship with existing buildings, the landscape context, size, material, colour and form; and e. it does not cause harm to the landscape character of the area. 16. For the avoidance of doubt, there will remain the strongest presumption in the Coastal National Park against the development of ancillary buildings. <p>Strategic development</p> <ul style="list-style-type: none"> 17. Where it is demonstrated to satisfy a proven need in the Island's interest, relative to the proper assessment of alternative options of meeting that need, strategic development related to renewable energy production; the provision of new or extended utilities infrastructure; or the extraction of minerals, but only where it is in accord with: <ul style="list-style-type: none"> a. Policy NR 4: Exploratory, appraisal or prototype off-shore utility scale renewable energy proposals and Policy NR 5: Off-shore utility scale renewable energy development; or b. Policy NR9: Utilities infrastructure facilities; or c. Policy MR3: New or extended mineral workings.
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Policy NE6 – illustrative revised preamble (shortened and amended)**A National Park for Jersey**

Parts of the Jersey coast and countryside are of national and international importance. St Ouen's Bay has long been so recognised and subject to safeguarding policies since 1968. These were superseded by the more extensive designation of a Coastal National Park in 2011. Its boundary embraces all those parts of the Island of highly sensitive and valuable landscape quality, vulnerable to change and damage, which warrant the highest level of protection against development. Its extent was informed by the Countryside Character Appraisal (1999) and includes:

- **The Coastal Plain of St Ouen's Bay:** The coastal plain of Les Quennevais dune system and St Ouen's Bay Coastal Plain with its fresh and saltwater wetland and sand dune habitats supporting exceptional birdlife and wildlife, distinguished landscapes and high recreational value, comprising:
 - B4: Quennevais Dunes
 - B5: St Ouen's Bay Coastal Plain
- La Commune de Gouray: The dunes at La Commune de Gouray, which form part of the Grouville Coastal Plain character area (B1), are a remnant of the historic landscape of this area and provide an important open break in the coastline. They are also valuable in terms of biodiversity, particularly for birds.
 - La Commune de Gouray (part of B1: Grouville Coastal Plain)
- Escarpment: The steep topography of the escarpment, forming a backdrop to the flat coastal plain, is a distinctive feature of the Island's landscape. On the exposed scarp slopes of St Ouen's Bay, stone walls are the characteristic field boundary.
 - C3: St Ouen's Bay Escarpment and Valleys
- **Cliffs and Headlands:** The cliffs and heathland of the north coast and the south-western headlands with their spectacular coastal scenery and sense of wilderness, geological and geomorphological features, birdlife and exceptional habitats, archaeological sites, common land, modern fortifications and high recreational value. Also, the north-east wooded edge with its lower, gentler coastline, cut by wooded valleys and with numerous sheltered creeks and coves along the north.
 - A1: North Coast Headland
 - A2: South-west Headlands
 - A3: North-east Low Wooded Edge
- **Enclosed Valleys:** The majority of the Island's broad-leaved woodland occurs on the steep valleys sides. The narrow winding lanes are a distinctive feature. Lichen-clad pink granite walls are characteristic features of the interior valleys. The freshwater streams and associated wet grassland provide important habitats.
 - D4: North Coast Valleys (including Mourier Valley)
 - D5: St Martin's Valleys
 - Wolf's Caves car park and former cafe/bar
- **Cliff Edge with Deep Sea:**
 - F1: North and South-west Cliffs
- **Offshore Reefs and Islands:** The whole area of offshore reefs and islets forms one main character type:
 - H1: Les Écréhous (including the Paternosters and Dirouilles)
 - H2: Le Plateau des Minquiers

The Coastal National Park's primary purposes are:

1. the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park;
2. to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

The purpose of planning policy in the Coastal National Park is to provide the highest level of protection against development in support of these primary purposes.

It is acknowledged that the National Park is a living landscape, containing buildings and land uses. Whilst there is a presumption against new uses or buildings that would detract from its landscape character, there may be opportunity to secure the repair and restoration of natural beauty, wildlife and cultural heritage through exceptions where the development of existing buildings or land uses provide opportunities to repair or reduce their existing harm to landscape character. Development may also provide opportunities for public understanding and enjoyment of the Park. There is also a need to provide for the reasonable expectation of residents to improve their homes and businesses to undertake economic activity and provide employment, having regard to the capacity of the landscape (as defined in each case by the Countryside Character Appraisal) to accommodate development without harm.

Accordingly, Policy NE6 sets a strong presumption but not an absolute moratorium against development within the Park: the key test is the capacity of the site and its context to accommodate development without harm to landscape character. This is the starting point for the consideration of development proposals. The following categories may, exceptionally, be considered though not all cases will be acceptable.

RESIDENTIAL

It would be unreasonable to resist all forms of development to improve people's homes. The following forms of development related to residential land use and buildings may be permitted as exceptions to the presumption against development here, but only where it does not cause harm to landscape character:

Extension of a dwelling

The acceptability of an extension to a dwelling will be determined by its scale, design and impact on landscape character.

Each case should be assessed on its merits and, in particular, regard had to the sensitivity of the site, relative to the capacity of the landscape character area to accept change.

The design and scale of any extension must remain subservient to the existing dwelling and not disproportionately increase its size in terms of gross floorspace, building footprint or visual impact.

The purpose will be a material consideration and should not facilitate a significant increase in occupancy. Intensification of domestic use would place more pressure upon a fragile environment, limited infrastructure and services and be likely to increase trip generation. A site's planning history will be a material consideration.

Redevelopment of existing dwellings and ancillary residential buildings or structures

The principle of demolition and replacement of existing dwellings is supported only where demonstrable environmental gains can be delivered.

Comprehensive proposals of this type can offer the possibility of repairing and restoring landscape character which might be achieved by environmental gains including some or all of: reduced visual scale, mass and volume of a building; more sensitive and sympathetic siting and design; materials, colours and finishes more sensitive to the character area.

In all cases, replacement buildings should not be larger than that being replaced in terms of any of gross floorspace, building footprint or visual impact, and should not facilitate a significant increase in occupancy. Intensification of domestic use would place more pressure upon a fragile environment, limited infrastructure and services and be likely to increase trip generation. A site's planning history will be a material consideration.

Creation of new households

The creation of new households by the development of new dwellings or the extension of existing residential properties to provide independent accommodation will be strongly resisted.

Similarly, extensions which, due to their layout are tantamount to the creation of a separate dwelling by, for example, including sleeping, bathroom and living space will be regarded as having the potential to accommodate a separate household and will be similarly resisted, as counter to the strategic objectives of the Plan (in relation to sustainable patterns of development; reducing the need to travel; and reducing dependence on the private car), as well as challenging the general presumption against development in the Coastal National Park with potentially serious implications for harm to its landscape character.

Extension of domestic curtilage

There is the strongest presumption against extensions of domestic curtilages, which can have an impact on the sense of wilderness, isolation and remoteness that are important in parts of the National Park. Furthermore, incremental loss and erosion of landscape character to domestication would seriously undermine the quality and cohesion of landscape character.

EMPLOYMENT LAND USE AND BUILDINGS

The Coastal National Park arises from the interaction of human and natural influences: the economic history of the Island, together with political and social influences, has been instrumental in shaping the landscape that we find today. The Park remains a working environment in many places with uses and buildings performing employment and economic functions. Economic growth and diversification are Plan objectives and Policies SP5, E1 and ERE1 seek to safeguard existing employment land and premises. The following forms of development related to employment land use and buildings may be permitted as exceptions to the presumption against development, but only where it does not cause harm to landscape character:

Extension and intensification of use

The sensitivity of landscape character will be the primary consideration in the assessment of development proposals to extend or intensify existing employment land uses or buildings in the Coastal National Park, including tourism and agricultural uses. A case will need to be made as to why a coastal or countryside location is required for the proposal, which may require the applicant to set out what alternative locations have been considered.

The acceptability of an extension to an employment building will be determined by its scale and design and its potential impact on landscape character.

Each case will be assessed on its merits with, in particular, regard to the sensitivity of the site relative to the capacity of the relevant landscape character area to accept change.

In all cases, the design and scale of any extension must remain subservient to the existing building.

There is a strong presumption against new ancillary buildings in the Coastal National Park.

Any proposal that would intensify an existing employment use will need to be assessed having regard to additional travel and traffic, at a strategic level, and noise and disturbance locally, particularly where the outcome could adversely affect the Park's sense of wilderness, isolation and remoteness. Any visual implications will also be carefully considered having regard to landscape character.

Redevelopment of existing employment buildings for the same employment use

The principle of redevelopment, involving demolition and replacement, of existing employment buildings for the same employment use is supported where demonstrable environmental gains can be delivered.

Comprehensive proposals of this type can offer the possibility of repairing and restoring landscape character, which might be achieved by environmental gains including some or all of: reduced visual scale, mass and volume of a building; more sensitive and sympathetic siting and design; materials, colours and finishes more sensitive to landscape character.

Replacement buildings should be no larger, in terms of gross floorspace, building footprint or visual impact than that being replaced. Consideration will also be given to the intensity of use and impact of travel, traffic and noise upon the Park's special character.

Change of use: conversion to other employment use

The change of use of employment land and buildings (involving conversion of a building), to other employment uses, will need to satisfy the requirements of Policy E1: *Protection of employment land* in the first instance. A case will also need to be made as to why a coastal or countryside location is required for the proposal, which may require the applicant to set out what alternative locations have been considered.

Any proposal that would intensify employment use will need to be assessed having regard to additional travel and traffic, at a strategic level, and noise and disturbance locally, particularly where the outcome could adversely affect the Park's sense of wilderness, isolation and remoteness. Any visual implications will also be carefully considered having regard to landscape character.

Change of use: conversion to residential or other non-employment use

There is a strong presumption against the loss of employment land and buildings to residential and other non-employment use. New homes and other development here, where the availability of services, amenities and public infrastructure is generally limited does little to contribute towards the attainment of a more sustainable pattern of development.

Conversion of an employment building to residential use is most unlikely to be permitted. Other proposals may, exceptionally, be viewed more favourably but only where the redundancy of employment use is proven (under the requirements of Policy E1); where the proposal involves the conversion of offices and tourism accommodation (excluding modern agricultural buildings and glasshouses); where it involves little or no physical change; and where it delivers demonstrable environmental benefits through reduced intensity of use and visual improvement to the building and its setting.

Former hotels proposed for residential conversion will be expected to secure significantly reduced intensity of use, since permission is likely to have been granted for hotel use, and/or an expansion of either an original residential or hotel use, on a site where permission for a large extent of residential development would not normally have been countenanced. Sustainability at a strategic level will be a material consideration and require evidence of how this has been assessed, such as a comparison of reliance on public infrastructure and trip generation.

Such development would also need to deliver other environmental gains such as: enhanced appearance of the building; materials, colours and finishes more sensitive to the character area; and landscaping to enhance and repair the setting of existing buildings.

Careful regard will be given to the visual impacts of any required external space, in particular car parking and amenity areas.

Redevelopment of existing employment buildings for other employment or non-employment use

The principle of allowing the redevelopment, involving demolition and replacement for alternative uses, including other employment uses, of existing employment buildings is supported where significant environmental gains can be delivered.

Such proposals will need to satisfy the requirements of Policy E1: *Protection of employment land* in the first instance, and a case made as to why a coastal or countryside location is required, which may require the applicant to set out what alternative locations have been considered.

The Minister acknowledges that managing an exception to a general presumption against any development in the Coastal National Park is challenging, and that it is important to be clear about the benefits that any such development proposal might bring.

Comprehensive development of this type offers the possibility of repairing and restoring landscape character of the area, which might be achieved by environmental gains including some or all of;

- **a significant reduction in visual mass, scale and volume** - this might be achieved by a reduction in the mass and scale of buildings in the landscape.
- opportunities may arise **to remove uncharacteristically large buildings** - such as hotels or other tourism related buildings - from the landscape, through their redevelopment and replacement by smaller buildings, more sympathetic to their locality and its landscape.
- **a significant reduction in intensity of use** - redevelopment for residential use will be permitted only where the residential yield is extremely limited and secures significant reductions in floorspace and/or occupancy;
- **sustainability** at a strategic level will be a material consideration and require evidence of how this has been assessed, such as a comparison of reliance on public infrastructure and trip generation.
- **more sensitive and sympathetic siting and design**: there is ample evidence of poorly sited and designed buildings, and additions to buildings, around the Island's coastline; redevelopment offers scope to remedy the existing harm; proposals will be required to reflect principles in the Jersey Design Guide, and must, in particular, demonstrate a mindful understanding of context, and be respectful of it, especially within sensitive landscape;
- **a more sensitive use of materials**: this may be achieved by reflecting the distinctiveness of the character area in the proposal's form, materials and finishes, including colour.

Replacement buildings should be no larger, in terms of gross floorspace, building footprint or visual impact than that being replaced. Consideration will also be given to the intensity of use and impact of travel, traffic and noise upon the Park's special character. Regard will also be had to opportunities to support the purposes of the Park including the enhanced public access and to address management threats and priorities identified in the Countryside Character Appraisal for that character area.

The redevelopment of modern agricultural buildings by demolition and replacement for another use will not be supported, since these would have been permitted to meet agricultural need. If no longer so required they should be removed or re-used for agriculture or employment-related uses.

Similarly, the redevelopment of glasshouses will not be permitted.

CULTURAL AND TOURISM USES

One of the Park's purposes, to promote opportunities for understanding and enjoyment of its special qualities, is likely to create tensions with its other purpose: the conservation and enhancement of natural beauty, wildlife and cultural heritage. Managing this requires that new or extended cultural and tourism development is sensitive and proportionate to the fragility and vulnerability of its landscape setting.

The Countryside Character Appraisal is a valuable tool, identifying development and management threats to the each of the Park's character areas and their capacity for change. It can be used to inform decisions on development proposals and implications for subsequent use of different parts of the Park.

Given the strong presumption against development in the Coastal National Park any exceptions related to new or extended cultural and tourism attractions must have very limited impact on its relevant landscape character area.

Examples might include proposals based on the use and enjoyment of environmental and heritage assets, and likely to relate to informal recreation, leisure and tourism.

Interpretative facilities and access infrastructure proposals will be considered favourably where designed to minimise visual impact and having no undue effects on sensitive environmental or heritage assets.

Similarly, proposals involving a change of use of land to enable activity-based tourism and leisure pursuits will be considered relative to their impacts upon the sensitivity of environmental and heritage assets, as well as the implications of greater levels of more active use of land within the National Park, where the qualities of remoteness and peacefulness may be particularly significant.

Leisure and tourism activities can generate a requirement for ancillary services and buildings and a number of facilities – such as cafés, bars, kiosks and toilets – exist in parts of the Park.

Proposals to extend, intensify or redevelop existing leisure and tourism facilities will be considered as with any other employment use.

New leisure and tourism buildings are unlikely to be favourably considered other than possibly small scale buildings or structures such as beach kiosks. The visual implications, infrastructure requirements and effect on the locality's intensity of the use will require careful consideration relative to the sensitivity of the landscape character. It is unlikely that they will be favourably considered where highly visible and/or unshielded by landscaping or where there are no nearby existing formal car parking and/or toilet facilities.

MINOR DEVELOPMENT

Development of any scale can adversely affect the qualities of the Coastal National Park because of its sensitive, fragile landscape. Buildings in the Park presently have the same permitted development rights as those elsewhere; the Minister intends to limit these rights here to enable the impact of minor changes to be regulated. This will require amendment to the Planning and Building (General Development) Order and the Minister will consult further upon the nature of changes proposed.

These will not be intended to prohibit all forms of minor development, which would be unreasonable and unrealistic, but to make a greater range of them subject to individual assessment. Small scale proposals, incidental to the primary use of land and buildings - such as minor alterations to existing buildings, swimming pools, driveways and other forms of hard landscaping, accesses, means of enclosure, signs, flags and other advertisements, satellite dishes and other antennae - will be permissible but only if well designed and sited and their impact does not harm the character of the area.

For the avoidance of doubt, there will remain a strong presumption against the development of new ancillary buildings in the Coastal National Park.

STRATEGIC DEVELOPMENT

There may emerge, during the remainder of the Plan period, strategic development proposals of Island-wide significance related to the generation of utility-scale renewable energy; the provision of public water supplies and the extraction of minerals in the Coastal National Park. Specifically, this might include utility-scale off-shore wind and/or tidal energy development; the expansion of Val de la Mare reservoir; the extension, replacement or renewal of La Rosière desalination plant and the expansion of sand quarrying in St Ouen's Bay.

Any such development will likely need to be considered within the context of a full and thorough Environmental Impact Assessment to ensure that: the need is proven; alternatives have been properly identified and considered; and that environmental implications for the Park are properly identified, avoided and/or mitigated as far as possible.

In accord with the Plan's sequential approach to development, consideration of alternative less environmentally sensitive locations will need to have been properly considered as part of any justification for strategic forms of development in the Coastal National Park.

Any such proposals will need to be considered against Policies NR4-6: *Renewable energy*; MR3: *New or extended mineral workings*, and NR9: *Utilities infrastructure facilities* respectively.

Policy NE6: illustrative revised Policy (shortened and amended)

The Coastal National Park, as designated on the Proposals Map, will be given the highest level of protection from development and this will be given priority over all other planning considerations. In this area there will be the strongest presumption against all forms of development, including but not limited to the development of a new dwelling (other than as a replacement under 2 below or conversion of a traditional farm building under 6c below); facilitating a separate household by means of an extension, conversion or new build; the change of use of land to extend a domestic curtilage; development of staff and key agricultural workers' accommodation; redevelopment of modern agricultural building(s) involving demolition and replacement with a building(s) for another use; redevelopment of glasshouse(s) involving demolition and replacement with a building(s) for another use; development of ancillary buildings.

Only the following exceptions may be permissible, and only where they do not cause harm to landscape character (as defined by the Countryside Character Appraisal):

Residential

1. the extension of a dwelling, but only where:
 - a. it remains subservient to the existing building in terms of design and scale; and
 - b. it is designed appropriately relative to existing buildings and its context; and
 - c. having regard to its planning history, it does not disproportionately increase the size of the dwelling in terms of any of its gross floorspace, building footprint or visual impact; and
 - d. it does not facilitate significant increased occupancy; and
 - e. it does not harm landscape character.
2. the redevelopment of an existing dwelling and/or an existing ancillary residential building and/or structure, involving demolition and replacement, but only where the proposal would:
 - a. not be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced; and
 - b. not facilitate a significant increase in occupancy; and
 - c. give rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.

Employment

3. the extension and/or intensification of use of existing employment buildings and land, but only where;
 - a. the requirement for a coastal or countryside location in the Coastal National Park is adequately justified; and
 - b. an extension remains subservient, well related to the existing building in design and scale; and
 - c. an intensification does not create undue noise, disturbance or a significant increase in travel and trip generation; and
 - d. it does not cause harm to landscape character.
4. The redevelopment of an employment building(s), involving demolition and replacement for the same use, but only where:
 - a. it would be no larger in terms of any of gross floorspace, building footprint or visual impact than that being replaced; and
 - b. an intensification does not create undue noise, disturbance or a significant increase in travel and trip generation; and
 - c. it gives rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.
5. the change of use of employment land and buildings (involving conversion of a building), to other employment uses, but only where:
 - a. it would accord with Policy E1: *Protection of employment land*; and
 - b. the requirement for a coastal or countryside location can be adequately justified; and
 - c. in the case of an intensification of use, it does not create undue noise, disturbance or a significant increase in travel and trip generation; and
 - d. it does not harm landscape character.
6. the change of use of employment land and buildings (involving conversion of a building) to non-employment uses (other than residential except with respect to 6c) but only where:
7. the redundancy of employment use is proven in accord with Policy E1: *Protection of employment land* or where the development involves office or tourism accommodation; and
 - a. it gives rise to: demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use; and improved design and appearance of the land and building(s); or
 - b. it secures a viable alternative use for a traditional farm building in accord with Policy ERE4 *Change of use and/or conversion of traditional farm buildings*.
8. the redevelopment of an employment building(s), involving demolition and for another use, but only where:
 - a. the redundancy of employment use is proven in accord with Policy E1: *Protection of employment land* or where the development involves office or tourism accommodation; and

- b. the proposal is no larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced; and.
 - c. it gives rise to: demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use; and improved design and appearance of the land and building(s).
9. New cultural and tourism development, but only where it:
- a. supports the purposes of the Coastal National Park; and
 - b. is appropriate relative to existing buildings and its landscape context; and
 - c. does not harm landscape character.
- Minor development**
10. Development small in scale and incidental to the primary use of land and buildings, but only where it:
- a. is well sited and designed, having regard to the relationship with existing buildings, landscape context, size, material, colour and form; and
 - b. does not cause harm to landscape character.
- Strategic development**
11. Where it is demonstrated to satisfy a proven Island need, relative to the proper assessment of alternative options, strategic development related to renewable energy production; new or extended utilities infrastructure; or extraction of minerals, but only where it accords with:
- a. Policy NR 4: *Exploratory, appraisal or prototype off-shore utility scale renewable energy proposals*; or
 - b. Policy NR 5: *Off-shore utility scale renewable energy development*; or
 - c. Policy NR9: *Utilities infrastructure facilities*; or
 - d. Policy MR3: *New or extended mineral workings*.

CHAPTER 4: HOUSING

Introduction

- 4.1 The proposed revisions to the Plan sprang primarily from the need to revise some of the housing policies. Two matters were crucially important. The first was the supply side shortage, which arose essentially because the States had decided in 2011 not to include in the Plan certain sites which had been proposed at the draft stage, and because States-owned sites had not come forward as hoped. The second was the fact that the previous Policy H3, dealing with affordable housing, had never been implemented, and it was necessary to bring forward an alternative approach. At the EiP we considered in some detail these and a number of other related matters, and we went on to consider (or re-consider) the sites which were put forward in policies H1 and H5.
- 4.2 Just before the EiP, the Minister proposed a number of minor amendments to the Housing section of the Proposed Revisions (EPD/15). Some of these arose from an error in Table 6.1; others from responses to representations. The removal of the Normans Timber Yard site from para 6.48 and, we assume, from Policy H1 was also included. We accept all these amendments.
- 4.3 We considered at the outset the question of whether the proposed changes fitted with the strategic policies of the Plan. The Minister sets out his approach to this fully in his statement on policies H1-H5 (HOU/STATES). Some people would have liked to see those strategic policies changed (for example Mr Dun thought that more development should be permitted in the countryside), and others thought they were not sufficiently effective (for example, Mr Mesch (CPJH) thought, in protecting the countryside). But they are clearly not subject to revision. There were no substantive arguments which suggested any conflict between the proposed alterations and the strategic policies as they stand, though the Minister commented that in his view many of the sites put forward by landowners were in conflict (see Volume 2).

Demand

- 4.4 We considered at some length the question of the demand for housing, and had before us a number of documents in support of the assessments in the Plan. Notably these included the report on the 2011 Census (BT1), "Housing Affordability in Jersey" (BT2), "Jersey's Housing Assessment" (BT3), "Jersey's Resident Population" (BT4), and the population and household projections (BT5 and 5a). These gave us a very full picture of likely change and were expertly supported by Dr Gibaut at the EiP.
- 4.5 The forecasts are based essentially on three elements – population modelling, migration assumptions, and aspirations. On the first of these there were in fact few issues raised either in writing or orally. Dr Gibaut described the projections (not forecasts, he stressed) in some detail and we find no evidence which suggests that the estimates which have been made in relation to the likely changes to the existing population and household structure are not the best they could be.

Migration

- 4.6 It was probably in relation to the Migration figure that there was the greatest concern and debate. We have as a basis for our consideration the figure for net inward migration of 150 households/325 people per annum. We were instructed that this planning assumption was based on the current States population policy, and it was not open to us to work on any different basis, though Deputy Green said that there was to be a debate about population policy in April 2014. There were those in both written and oral evidence who sought to argue for a different assumption. Mr Parker (for MS Planning) for example thought that a higher figure was required to reduce the dependency ratio and support economic growth, but others argued for a lower migration rate to reduce pressure on housing and on the countryside. We do not feel able to enter this debate, given our remit, but these are factors which will no doubt be considered in April.
- 4.7 It is important, however, to consider in the Island Plan context whether this figure is likely to be achieved in practice, and what the implications for the Plan might be if it were not. Table 2 of BT4

shows that net inward migration was below the figure of 325 people from 2001-4 but substantially above it from 2005 onwards, reaching over 1000 between 2006 and 2008. However the figure has been coming down in recent years (700, 600 and 500 in the years 2010, 2011 and 2012).

- 4.8 The Minister in his statement (HOU/STATES) gave evidence that the numbers were continuing to fall (for example a continuing reduction in the number of non-locally qualified employees and applications), and he referred to the Council of Ministers setting the management of population growth and migration as a priority. A number of measures had been brought into operation to control migration.
- 4.9 While there can be no certainty here, the evidence does suggest that effective policies are in place which will bring down the rate of inward migration to, or at least close to, the fixed policy figure of 325 per annum. We do not have any evidence to question this apart from the undoubted fact that in the recent past higher figures have been experienced, but this is not in itself necessarily indicative of what might happen in the future with a new policy regime.
- 4.10 The real question therefore is whether the Plan has sufficient flexibility to cope if the actual figure turns out to be higher, and the Minister argued (based on the assessment on page 15 of BT3), that potential shortfalls and surpluses outside the non-qualified sector³ were “relatively insensitive to the level of in-migration in the short term”. He also relied on the anticipated surplus of 420 housing units (revised table 6.4) in the Plan. We return to this when we discuss supply later. It does provide some comfort, but clearly it will be necessary to monitor the migration rate and to take action if it were to return to the average levels experienced in the past decade.

“Aspirations”

- 4.11 On the question of “aspirations”, the key document is BT3, *Jersey’s Housing Assessment*, which is based on questions included in the 2012 *Jersey Annual Social Survey*. This gives a wealth of information about the intentions and aspirations of Jersey’s population at that date, qualified and non-qualified (we deal with the latter later), and in various house types and sizes and forms of tenure. It also gives information about the likely effects of changes in inward migration. Some respondents (eg CPJH) questioned either its accuracy or its relevance; we think it is a thorough survey with a good response rate, and it gives a picture of latent demand which, we believe, could not be obtained in any other way.
- 4.12 Mr Parker questioned the figures arising from this survey (which inform the housing demand figures set out in the proposed revisions). He argued that because the survey was carried out in 2012, which economically was a difficult year, it was likely to understate the real aspirations of the population and that in more buoyant economic times the figures of demand arising from the survey might be higher. Dr Gibaut agreed that in 2012 the survey recorded a greater number of respondents with aspirations to obtain social housing rather than owner-occupation. We do not believe that this factor alters the overall demand figure in any substantial way, though it may shift the demand to a small degree between sectors.

Conclusions on demand

- 4.13 Having read all the evidence and considered the various points made at the EiP we do not believe that the assessment of demand set out in the revised proposals is deficient. It is not in its essentials substantially different from the assessment in the 2011 Plan, though the figures have been updated in the light of new information, and no substantive alternative evidence was before us. The migration issue is critical. But it is the supply side, as we said in para 4.1, rather than the demand side which has led to the need to alter the Plan and we turn to that topic now. We accept the demand side figures.

Supply

- 4.14 The supply side of the Housing section of the Plan has run into trouble for a number of reasons. Firstly, as we have said, the States decided not to include a number of sites that had been included in the Draft Plan and which we had recommended at that time should go ahead.

³ See below

Secondly, these sites were replaced by a number of States-owned sites which in a number of cases have not gone ahead (Jersey College for Girls, South Hill, D'Hautree School, Ambulance HQ). And thirdly the provision of affordable housing through policy H3 was never implemented. We deal with that last point later.

- 4.15 It was far from impossible to predict that the States-owned sites would not go ahead in the intended timescale, and in the latter part of Policy H1 of the approved Plan it was indicated that there would "immediately" be a review (as we had recommended) if there was a failure in this regard, and that other sites would be brought forward. So it has come to pass, and Members will undoubtedly wish to avoid this situation arising again.
- 4.16 In addition to the documents already mentioned (especially BT3), we have had close regard to another entitled "Residential Land Availability" (BT6) in this section of our report.

Category A/Category B

- 4.17 The Plan deals with housing in Category A ("affordable" – which is defined in the Plan and which we consider later), and Category B (market housing). The Minister argued that there was adequate supply of Category B housing, based on the assessment in BT3 and on the number of new houses in the pipeline. We were shown a list dated March 2013 which showed 1,663 dwellings with permission on sites of more than 10 units, and a further 573 on smaller sites, making a total of 2,236. Of these 474 were under construction. In the context of the average rate of construction per annum (which was put at about 430 for A and B combined in para 6.74 of the proposed revisions), this does seem a reasonable number, though some participants – such as Mr Morris – begged to differ and felt that the need lay essentially in Category B rather than in affordable housing. Deputy Green was among those who disagreed with this – he said that with over 2,000 consents "already out there", the problem was affordability. In our view, the evidence suggests that the amount of Category B housing in the pipeline or likely to come forward, for example through windfall sites (see below), is sufficient and that the problems and needs lie in Category A.
- 4.18 We considered the need for affordable housing at some length in our 2010 report, drawing inter alia on the Whitehead and MacDonald reports⁴. We have also considered the compelling statistics in BT2 on housing affordability. Deputy Green said that there are 780 "real people" on the Housing Waiting List, and this was restricted in various ways (eg it did not include those under 25). Mr Le Quesne felt that it was an under-estimate of the real need. We see no need to rehearse the arguments once again. It is very clear that there is a serious problem, and we believe it is right that the main thrust of the proposed revisions is to tackle that problem. We come on to other aspects of this later, but we deal here with the numbers, the proposed sites and their realism/practicability.
- 4.19 Table 6.3 (which was slightly revised just before the EiP to reflect an addition of 50 units on the Ann Court site) sets out the various components of provision, with a total of 3,720 units. These comprise 390 units coming from the States-owned sites in Policy H1 and 290 from the 4 privately owned H1 sites. 400 come from the redevelopment of existing States-owned housing sites, and 170 from the other Category A sites in Policy H2. 70 are from the H5 sites in the more rural areas. And 1200 come from windfall sites in St Helier and a further 1200 from windfall sites elsewhere. We deal with them in turn.

Policy H1 Category A Housing sites – states-owned

- 4.20 It is understandable that there was some scepticism among participants regarding the development of States-owned sites. Mr Cotillard (Jersey Construction Council) was among those who expressed doubts. Some of those included in the 2011 Plan have not proceeded (as previously mentioned), and some have been dropped. Others have moved forward very slowly. On the other hand some sites, such as Le Squez which we visited, have clearly come forward. But we and others asked questions about the land included in the proposed revisions.

⁴ Respectively: A Review of Social Housing in Jersey 2009 and Housing Affordability Report 2009

- 4.21 There are two sites in this category. The first is the Jersey College for Girls. This was in the 2011 Plan but has not as yet come forward. We were however told of recent progress (it is subject to a current planning application) and we are as satisfied as we can be that this will at last happen. We were told it will include 75 units of social housing.
- 4.22 The second is "Summerland and Ambulance Station, Rouge Bouillon". We visited this site and saw the very active uses which exist there. The Minister sees this as coming towards the end of the Plan period (between 2016 and 2020). A number of participants expressed doubts about this; and we share them, based on the past record to which we have referred. Since it is not proposed for development imminently, we do not see the need to replace it at present; but should there be no substantial progress within two years from the EiP (ie by the beginning of 2016) we recommend that other sites are brought forward in its stead.
- 4.23 Policy H1 refers to one other site (the Normans former Timber Yard having been removed). The La Motte Youth Centre site is also proposed for development later in the period and the number of units is not included in Table 6.3 and does not affect our overall assessment.
- 4.24 A considerable number of other States-owned sites can be found listed in the Minister's statement (HOU/STATES) page 9, and in Appendix 11 of BT6. The status of some of these is unclear, and it was indicated in the Minister's statement that the present intention was to use them for Category B housing (a proposition which led to some raised eyebrows at the EiP since the present need is for Category A). Even if they were used for Category B, it was argued, the resulting resources could be used to build further affordable housing elsewhere. No decisions have been made about these sites and some of them will not become available for several years. They do perhaps indicate, however, that at the end of the Plan period there may be other land coming forward for housing use.

Policy H1 Privately owned sites

- 4.25 Policy H1 also includes 4 privately owned sites which it is proposed should be used for affordable housing, and which constitute about 25% of the total. These are De la Mare Nurseries, Samares Nursery, Le Quesne Nurseries, and Longueville Nurseries. We considered all of these in 2010 and revisited them during the current process to re-assess their suitability. The States Property Services Department viability assessments concluded that they are viable for affordable housing as defined in the Plan.
- 4.26 We deal with them in more detail later, and take into account the objections and the points made during the debates on them. But we conclude that all four should go ahead. (We consider later whether the States should have compulsory purchase powers so as to ensure, if needs be, that this happens). As we have suggested already, we think the States made an error in excluding these sites in 2011 and that this needs to be rectified if the Island Plan is to be effective in meeting the Island's needs.
- 4.27 **Recommendation: that the sites included in Policy H1 should be approved. That should substantial progress fail to be made by the start of 2016 on the Summerland/Ambulance Station site readily implementable alternatives should urgently be sought.**
- 4.28 **Recommendation: that should the States fail to support any or all of the sites proposed in H1, alternative, readily implementable sites should immediately be brought forward urgently for public consultation and a further EiP at the earliest possible date.**

Redevelop existing States owned sites

- 4.29 In contrast to the 2011 Plan, which showed a reduction of 300 in the number of units on States owned sites resulting from redevelopment, the proposed revisions show an increase of some 400.⁵
- 4.30 This is a significant change and was questioned by a number of participants. There has clearly been a change of policy and approach in the intervening period and the Minister in his statement

⁵ In fact we think the figure should technically be 450 because the "extra" 50 units at Ann Court, added to Table 6.3 in the late revisions, should be in line 2 of the table and not line 1. However this does not affect the overall conclusions.

(HOU/STATES) said that a “significant investment plan” had been put in place. He provided a list of the sites concerned, and we are in no position to challenge these figures – nor did any participant produce any contrary evidence. Clearly it is sensible, in any circumstances, to make optimum use of housing sites such as these and we accept these figures.

Policy H2 Housing sites

- 4.31 No concerns were expressed about the 2 previously rezoned sites in Policy H2

Policy H5 Rural Centre sites

- 4.32 Three sites are included in Policy H5 of the proposed revisions – at Field 402 St Martin, Field 622 St Ouen, and Field 785 St Ouen. They are relatively small sites (with a total estimated provision of 70 units between them, out of the total in revised table 6.3 of 3,720). We held a separate debate at the EiP on the role of the Parishes, which we consider later in this Chapter; and we also had detailed discussions on each of the 3 sites. The intention is to provide for local needs, but differences of view emerged between the Minister and the relevant Parishes both about the means by which the sites had been identified (without the benefit of Village Plans) and the nature of the development which should take place there.
- 4.33 As will be clear from our later consideration of these sites, further work is needed in some cases, to establish local need, to consider alternatives or to agree the exact use to which they will be put. However we conclude for the purposes of this part of our report that it is likely that, during the Plan period, these or alternative small sites will be progressed for affordable housing by the parishes concerned. It is also possible that other Parishes such as St Peter and St Brelade might pursue schemes for local Parish needs during the period.

“Windfall developments from Town of St Helier” and “windfall developments from outside of Town of St Helier”

- 4.34 Each of these categories is anticipated to provide 1,200 units – a very large part of the total of 3,720. It is therefore right to question whether it is realistic, and Mr Parker and Mr Morris were among those who raised doubts. Deputy Young was concerned about the implications of a higher density of development in the urban areas (though there were others, such as Mr Fletcher (Jersey Hospitality Association), who thought that densities should be increased).
- 4.35 The Minister in his statement indicated that the total estimate of 300 per annum during the remainder of the Plan period (8 years) compared with an annual average of 364 per year over the period 2002-12 (see BT 6). He also argued that sites in the northern part of St Helier were starting to come forward as changes of use from commercial to residential, as the focus of office activity shifted to the waterfront.
- 4.36 It is true that these are high figures, and are critical to the achievement of the Plan’s objectives; we can understand why participants were sceptical. But the fact is we have no firm evidence on which to base a disagreement with the Minister’s figures, and they do appear to be reasonable in the light of previous experience. Density is a matter which is to be considered separately.

Conclusions on Table 6.3

- 4.37 We consider that assuming the sites listed in Policy H1 are confirmed by the States, the figures shown in Table 6.3 are reasonable and justified by the evidence.

Other factors

- 4.38 Participants raised a number of other factors which could affect supply. In particular we note concerns about the vacancy rate – it was suggested that if this could be reduced then the need for new housing might also be reduced. The rate (which stands at 7%) does appear high as compared with other jurisdictions. However an analysis of the reasons for the vacancies is set out in Table 3.4 of the report on the 2011 Census (BT1). It does not appear from those figures that dwellings are being unnecessarily left idle; most of the vacancies were between tenancies, or were second homes, were being renovated or were on the market. There may be a small contribution to be made if this figure could be reduced but we do not think that the potential to do so is significant.

Adequacy of supply/reserve sites

- 4.39 We conclude in the light of this discussion that there has been no evidence presented to us which would lead us to doubt the estimates of demand. And we conclude that the estimates of supply are also reasonable, provided that the sites proposed in the Plan are agreed by Members and that sites such as the Ambulance Station do in fact come forward at the time intended. This would mean that supply meets demand with a surplus of 420 (revised para 6.73) – about 13% of overall demand - over the Plan period. The Minister considers this level to be “prudent, reasonable and justifiable”. But a number of participants felt that it may not be adequate, and in particular they felt that a list of “reserve sites” should be drawn up in order to meet any excess demand or, perhaps more particularly, to make up for any shortfall should the sites in the Plan fail to go ahead for whatever reason.
- 4.40 We do not at this stage see the need to increase the supply of sites in order to increase the potential surplus. Any figure lower than 420 would we think be unacceptable given the impossibility of forecasting with absolute accuracy what may happen over the next eight years. Some elbow room is a necessity. Demand might be higher than anticipated (but it might also be lower).
- 4.41 On the other hand, as several participants suggested, it is highly desirable to make sure that another EiP in another three years' time, is not needed to make up for any shortfall on the supply side – hence the advocacy of reserve sites. It was suggested in particular by Mr Stein (but also by the Chamber of Commerce, Construction Council, Mr Seymour and others) that some of the sites which we consider in Volume 2 of this report might be placed on such a list. Because they had not been the subject of public participation – a matter which we ourselves found concerning both at the EiP and in our previous report – Mr Stein suggested that there should be a period of consultation on those sites which seemed to have potential, and that those found to be the most suitable should constitute such a reserve list.
- 4.42 The Minister did not agree and it is in his closing statement (EPD/21 pages 3-4) that his reasons are most clearly set out. He considers that there is no need for such a list. But also that those put forward by landowners and considered by us are not necessarily the “best of the rest”. Should a reserve list be required the Minister might identify other sites which better fitted the strategic aims of the Plan. Most of the sites put to us would, he argued, involve the rezoning of countryside, and this would dilute the aims of the Plan which were to do with consolidating and regenerating the urban area. And the proposed consultation could not take place, for practical reasons, in advance of the date before the summer recess when it is intended that the Plan should be adopted. They could only be considered in the context of a further review.
- 4.43 We do in particular accept the “best of the rest” point. We have no way of knowing whether there are other, better, sites. We add another point which came up at various stages during the debate. In the 2002 Island Plan a number of sites were included as “reserve” sites. Many of these came before us again, 12 years later, and we consider them in Volume 2. They appear to have found their way into that earlier Plan via a process which was not at all rigorous; some, at least, of them seem to be quite inappropriate in the context of the current strategy (and perhaps also in the context of previous strategies). We would not wish to repeat this process and we accept the Minister's arguments.
- 4.44 In our previous report we did tentatively suggest a list of sites which seemed to be the best of those which had been put to us and which might have potential (para 8.41), though we noted the lack of consultation and did not recommend them for immediate inclusion in the Plan. These sites were brought forward once again and are re-considered in Volume 2 (one of them, Le Quesne Nurseries, is proposed for inclusion in Policy H1). We are a little more circumspect this time because the presence of such a list draws attention to sites which do have deficiencies. In Volume 2 it will be clear which sites we consider might have potential, but we do not give prominence to them here because there may be other, preferable, sites.
- 4.45 We conclude that a reserve list carries more dangers than benefits. However we do not doubt that a further review of the Plan will be required, hopefully not nearly so soon as this one; and

that further sites will need to be brought forward – some, but not necessarily all, of which might be found in Volume 2. The Minister will need to carry out a rigorous assessment of those sites and any others which he considers might have potential, including public consultation.

Non-qualified sector

- 4.46 Mr Dun raised the question of the non-qualified sector on a number of occasions. He referred to the paragraph we included in our previous report on this subject as “limp”, and sought a stronger comment on the topic this time. Many of the points he raised are outside the scope of the Island Plan, but nonetheless it is a matter we take seriously. Monsignor France, in his contribution later in the EiP, made some very powerful points based on his experiences – for example “ I have been appalled at the high rents for poor quality buildings which were cold, damp, and often overcrowded”. Again he raised matters, such as rent control and the rules for letting agencies which go well beyond our remit.
- 4.47 Nonetheless we instituted a debate at the EiP on the matter. We have found it difficult to understand the issues fully. As the Residential Land Availability Survey (BT6) indicates (page 19), “there is currently a lack of good comprehensive data on the supply of non-qualified accommodation”, though the new system for monitoring and regulating immigration should help to rectify this. We know that there are around 10,500 residents in the non-qualified sector. According to the Housing Need Assessment (BT3) there was a small overall shortage of homes comprising a shortfall of 1-bedroom units and a surplus of 2-bedroom units on current migration trends (this would reduce if inward migration were to reduce as expected, but it is also the case that should migration levels remain high, it will be in this sector that problems will manifest themselves. (See BT3 pages 15/16, including Figs 8-10).
- 4.48 However as Monsignor France indicated there are significant concerns about the quality of this accommodation. It appears that around 70% were satisfied or fairly satisfied with the size, repair and layout of this accommodation (BT3 page 6) and Deputy Green said that conditions are improving although he remains concerned. The new Strategic Housing Unit will be looking at these and other matters.
- 4.49 We discussed the informal accommodation which is spread throughout the Island, and we were told that there were 152 units at the time of the Census. Given that we ourselves saw a considerable number of such units during our site visits – which did not to any degree amount to a thorough examination of the phenomenon – we were surprised that this figure was so low.
- 4.50 We were left with a sense that more needed to be done to understand this problem and to raise standards. Deputy Power said that Policy H9 (which deals with staff and key worker accommodation, and is not the subject of a proposed revision) was not being effective. New accommodation met standards but older units did not. We are encouraged that the Strategic Housing Unit will be looking at this in the round. We hope that this will overcome the perception that those in this sector are not given the attention that they merit, and we hope that the concerns and experience of people like Monsignor France will, by the time of the next EiP, be very different. The evidence suggests that there is not a shortage of accommodation, provided migration levels remain at or around the expected level. But there is a problem of quality, and there is insufficient information about informal accommodation. We are not clear what can be done in policy terms within the Island Plan, through which as the Minister said in his closing submission it is difficult to address conditions in existing accommodation. This is largely a matter of culture and priority, not a matter of planning policy formulation. Policy H9 already makes appropriate provision but it appears, as Deputy Power said, that it is not being effectively implemented.
- 4.51 **Recommendation: that no change is made to the Plan. But we register our concern that insufficient priority has been given to the implementation of Policy H9. At any future review/EiP specific attention should be given to the needs of people in this sector, and to the adequacy of Policy H9 and its implementation.**

Compulsory Purchase Powers

- 4.52 It is proposed (*Proposed revision* para 6.78 and Policies H1, H2 & H5) that if necessary privately owned sites designated for affordable housing might be compulsorily acquired by the States to enable the delivery of homes, should they fail to be brought forward for development during the Plan period. This would require separate decisions of the States, and it was made clear that it was anticipated that it would be used only sparingly and as a last resort. The Minister (see in particular page 11 of his statement HOU/STATES) pointed out that such a provision had previously existed, in the 2002 Plan; he said that it was intended to “reinforce the intent to deliver much-needed homes” (EPD/21). But he hoped and expected to proceed by agreement.
- 4.53 The proposition was controversial. It was opposed for example by Mr Wimberley, and Pioneer. Connétable le Maistre thought it may not be human rights compliant, though in other European jurisdictions this has not been found to be the case. But others, such as Mr Seymour, Deputy le Bailly, and Mr Cotillard (“sparingly, as a last resort”) were in favour.
- 4.54 We have read the representations concerned; those who object do variously on the basis of principle or practicality. But in most similar jurisdictions, in order to have the ultimate ability to carry out policies in the interests of the community, Governments do have such powers. They seek to use them sparingly, as it is clear the States will do (and there were some who thought the States would never agree to use the powers even if they existed – a matter on which only speculation is possible).
- 4.55 We understand the reasons why the Minister wishes to have these powers, as he had once before, and we can see circumstances where the presence of this power would be a valuable support to implementation. We saw no convincing evidence beyond general statements to lead us to question his intentions. We support the retention of the policy.

Affordable Housing

- 4.56 We turn now to the other key question in the proposed revisions to the Housing Policies – affordable housing.
- Deletion of former Policy H3/replacement by allocation of sites for affordable housing*
- 4.57 There were few who argued strongly against the deletion of the old Policy H3, which had never been implemented. Vivien Vibert is one who expressed a view in support of the existing policy but there was little support in the rest of the representations. We take the discussion no further. Similarly there was general support for the policy of allocating sites specifically for this purpose and again we take the debate on the principle no further.
- Other mechanisms*
- 4.58 There was however a very lively debate about the question of other mechanisms for capturing value from the development of land. Proposal H3 refers to a working group which is to be established to pursue this. For this reason it is not appropriate for us to make recommendations but we do report on the debate.
- 4.59 There were polarised views. Mr Morris was concerned about the uncertainty engendered by the working party, which certainly implies that it should complete its work expeditiously. Mr Cotillard was opposed in principle, as were the Association of Jersey Architects (AJA) and Mr Fletcher, who said he was “horrified” and described it as a “tax on one sector”. He predicted that landowners would never sell land at below the maximum market price. Mr Parker made a broadly similar point, but argued for a system of tax breaks for those who undertook, for example, to let property for a period at (say) 90% of the market rate. Mr Cotillard also referred to tax breaks; and he advocated States loans – affordability “should be subsidised by the States not the landowners” (Deputy Green doubted whether the States could do this). Some thought that commercial land might also be subject to any tax, but of course the uplift in value is very much smaller.
- 4.60 Others took a different view and it is perhaps Mr Wimberley, whose written submissions deserve attention from the working party, who led the argument. He said that “massive” uplifts in the value of land resulted from the grant of planning permission. “This is unearned financial gain on a very

large scale". In effect the States, via its subsidy to tenants, was subsidising landowners.

- 4.61 This is a political, as well as a practical, issue and we take it no further. The Island Plan as it stands does not depend on it. But it seems right to us that the matter – which was also raised inconclusively at the last EiP – should be thoroughly examined.

Definition

- 4.62 Para 6.13 (with some minor amendments set out in the Minister's late set of proposed alterations EPD/15) provides a definition of affordable housing. The intention of this is to narrow down the definition so that it is focused on those in greatest need. In particular the previous reference to first time buyers was seen as having made its scope too broad. The new definition is based on the Housing affordability study (BT2), and it was generally supported in principle. Deputy Green pointed out that the Housing Gateway (which had not been developed at the time of the last EiP) enabled greater precision in matching those in need to the housing available. The definition had been prepared jointly with the Strategic Housing Unit and the Council of Ministers. (In passing, we note here an apparently much greater level of co-operation between Planning and Housing as compared with the previous EiP).
- 4.63 Though Mr Parker generally supported the definition, Pioneer made a number of very detailed points in writing and we have considered these but do not recommend any further change. We note particularly his first point (4.16), to the effect that rented affordable housing need not be social housing but could be provided in the commercial housing market. At present we see no signs that this is achievable, and indeed in a later debate Mr Morris and Mr Cotillard seemed to confirm this (see below). The States approach, in the face of a very serious problem, and with house prices described by Mrs Blakeley (AJA) as being much too high ("it is very expensive to live here generally; we need a re-balance") has taken a view, which we think is reasonable, that it is only by direct intervention in provision via "registered affordable housing providers" (to use the term now included in the definition) that inroads will be made into the problem. However over the years it may be that the commercial market will be able to demonstrate ways in which provision can be made by that route, especially given the fact that social rental values have been raised to 90% of market values.

Tenure split

- 4.64 The proposed revisions intend that the tenure split on H1, H2 and H5 sites should be 80% social rented and 20% affordable homes for purchase (though there is provision for this to change during the lifetime of the Plan in response to further evidence). Dr Gibaut indicated that this was based on detailed knowledge; primarily the housing needs assessment (BT3) tables on pages 18 and 19. Deputies Green and Power both supported the proposition; Deputy Green might have preferred a figure of 100% social rented but he recognised the need for people to have some chance of buying. Deputy Power suggested that the ratio may change over time if some of the rental units were later sold. They and others recognised a need to move towards more innovative forms of tenure such as shared equity.
- 4.65 A variety of objections to this policy was put forward. It was suggested for example that it would create social problems, though without detail as to how this might happen. That it did not give sufficient incentive for home ownership, that rental and private housing should be kept apart, that Parishes should be given more flexibility (we deal with this later), and that various other figures (50/50 or 55/45) would be preferable. Many of the representations were predicated on the belief that the commercial sector would be unable to sustain such a tenure split (Mr Morris and Mr Cotillard made this point), but Deputy Green indicated that it would inevitably be a social housing provider that developed the sites.
- 4.66 We were not convinced by any of these arguments and we did not feel that they were evidence-based. We felt that the proposed split was well-founded. However there was another issue, which was that the tenure split should be in Supplementary Planning Guidance (SPG) rather than in the Plan itself. Mr Thorne was one who made this argument, based on the idea that it would be necessary to change the ratio from time to time and it would be easier to do so if it were outwith the Plan itself. This is an attractive argument. But the Minister took the view that he needed to be

certain that he could enforce it through a policy stated in the adopted Plan; an SPG statement would be too weak. There are pros and cons here, and we understand the inflexibility which is created by the current intention. On balance, however, we consider that, in view of the reservations about the policy expressed by Parishes and other respondents, the Minister will indeed need to have the strength of the adopted Plan behind him if he is to be able to ensure that there is adherence to this ratio. We therefore recommend no change.

Housing for the over-55s

- 4.67 The provision of housing for the over 55s in Jersey has two prongs. The first is that in order to enable people to stay in their own homes for as long as possible, since 2007 new homes in Jersey have been required to meet local "lifetime homes" standards under the Building Bye Laws. The second is to provide homes specially for this group, and Jersey has a good record of doing this, through the States and the Parishes and the private sector. Policy H7 (not the subject of proposed alterations) is the key here.
- 4.68 The Minister usefully discussed this issue on page 5 of his closing statement (EPD2/21) and we don't repeat that analysis; but he concluded that "evidence for the current supply of homes for the over-55s is good.....the Minister remains to be convinced of the need to specifically zone further land for this purpose.....". There are therefore no proposals specifically to provide for the over 55s in the proposed revisions. Those who are over 55 and come through the Housing Gateway will be eligible in the normal way but others will be reliant on Category B housing. Deputy Young thought this was "socially divisive". But, though there is a natural and widely held view that there is a need to respond to the challenges of an ageing society, in the context of Jersey's overall affordability problem, we think this is a reasonable approach at the present time given the statistical evidence before us.

Role of the Parishes

- 4.69 This becomes a problem in particular in relation to the role of the Parishes, which in this EiP assumed considerable importance and complexity. Some of the Parishes have in the past provided housing for the elderly. We saw some of this, and it was of a very high quality. Some Parishes wish to continue to make such provision, with the twin aims of providing for those over 55 who have Parish links, and also freeing up larger houses for families as a result of "downsizing". Until now, this provision has had support from the centre. However the policy in the Plan that sites for affordable housing should be developed on the 80/20 tenure split discussed above has meant a significant change, since as we indicated building specifically for the over-55s is no longer part of the approach. They are eligible only if they come through the Gateway. The Minister believes that this better meets Island-wide needs and priorities, and that accommodation for the elderly does not constitute the most severe problem since there is already a good supply. This change has led to considerable angst at Parish level, reflected in the debates over the H5 sites which we consider later. And reflected, too, in other Parishes such as St Brelade which also have hopes in the future of providing more homes specifically for the elderly.
- 4.70 We note a point which was made by Mr Dun that not all elderly persons have in fact got a close link with a particular Parish in these days of greater mobility.
- 4.71 There are issues here about the relationship between the Parishes and the States on which we do not wish to comment. We do understand the Parishes' concern about this change, which in some cases occurred (as they see it without adequate warning) whilst they were in the process of identifying sites for housing for the elderly (or for other local needs). On the other hand, as we have indicated, the 80/20 policy is well founded, and the advent of the Housing Gateway now means that housing is much more likely to go to those in greatest need.
- 4.72 This was debated at some length and at various points in the EiP. Light appeared at the end of the tunnel as a result of Deputy Green's commitment to operate the Housing Gateway in a flexible way. He would ensure that, in relation to H5 sites and other Parish-developed sites in the future, preference would be given to those with links to the Parish.
- 4.73 It seems to us that such an approach offers the best way forward and that by discussion and

agreement between the States and the Parishes it ought to be possible to give a degree of priority to the elderly of the Parish, providing they are in need (as defined through the Gateway); and to meet the strategic and obviously laudable aims of the Minister(s) to ensure that housing goes to those in greatest need. These will essentially be operational matters. So far as the Plan is concerned, as we have already said, we think the basis of the tenure split is well argued and we do not suggest any change.

Policies H4, H5 and H6

- 4.74 There were other minor changes proposed to Policies H 4, 5 and 6 beyond those we have discussed so far. These were generally of a technical nature and no substantive points were raised.

Policy H1 Privately Owned Sites Assessments

- 4.75 We consider here the privately owned sites proposed for residential allocation in the *Proposed revision*.

De La Mare Nurseries

- 4.76 There were 60 responses regarding this site: 13 objecting, 36 supporting and 11 commenting. An ongoing appeal to the Royal Court regarding proposals for Category B housing stands pending; the EiP hearing and our comments now are without prejudice to the outcome. As defined in the *Proposed revision* consultation document, the site comprised part of an area of glasshouses and polytunnels, just outside the BUA at Ville-es-Renauds, with an associated former florist's retail outlet within the BUA recently granted planning permission for development of a supermarket. In light of that, the Minister is minded to extend the remainder of the site further to the northwest, clarified at the hearing as being to the southeastern edge of an associated horticultural reservoir. The owner seeks to go further, taking in an additional glass house area to the southwest as well as his land extending further northwest to the far end of an adjacent side road, Paddock End. He opposes an 80/20 split of social rented/affordable purchase tenure, preferring, as would the Parish authority, provision for over 55s and first time buyers. He would, however, be willing to see social rented accommodation within the additional area he has promoted to the southwest. There is no dispute that foul drainage provision would require costly infrastructure works. Mr Dutson, a local resident, opposes the principle of residential development on grounds of visual intrusion, access onto La Rue a Don where traffic speeds are high, insufficient capacity at local schools and inconsistency with the site's exclusion from the Plan just some 2 years ago. The location is not supported by TTS, on strategic traffic grounds.
- 4.77 We view the location as reasonably well related to the BUA. As the Minister acknowledges, the site is widely exposed when approaching along La Rue a Don, warranting landscaping or other boundary treatment, but that would be for detailed consideration. There is no evident reason why an access compliant with standards could not be created and the site is not opposed by TTS on such grounds. Local services are available as well as public transport. The site may offer scope to contribute towards an Eastern Cycle Route. The education authority advises that local primary and secondary schools are predicated to have sufficient capacity, and we keep in mind the authority's ability to adjust catchment boundaries should the need arise. We have previously recommended this site for inclusion in the Plan and, having reconsidered it, we remain of that view.
- 4.78 We see no reason to recommend anything other an 80/20 tenure split, having accepted above that this best meets the Island's assessed housing needs. Any issues of viability relating, in particular, to foul drainage costs would fall for consideration in the context of a detailed application. We firmly reject enlargement further southwest: a highly intrusive projection into the countryside, at odds with the pattern of development that would otherwise be created. We support extending the site further to the northwest, partly to substitute for the area now benefiting from the supermarket permission and partly because the extent in that direction in the *Proposed revision* seems somewhat arbitrary, cutting midway through an existing glasshouse and polytunnel. We do, however, consider that this should be only as far as the southeastern edge of

the reservoir. This would create a well defined area without undue "outer" edges facing open countryside; extending further would intrude disproportionately relative to the modest resulting additional housing yield. Also, and significantly, it would bring additional residential development closer to the sensitive Grouville Marsh Ecological Site of Special Interest. The CCA recommends a wide buffer zone to development in its vicinity, and the boundary we suggest would meet that guidance. The location is likely to be known to local residents as a potential housing site and any future application would be subject to a further opportunity for comment.

- 4.79 **Recommendation: that the Minister amends *Proposed revision* Map B.1 to exclude the supermarket site from the defined Policy H1 housing site, extends the northwestern boundary as far as but not beyond the south eastern edge of the horticultural reservoir, and retains the written Policy H1 section 5 without amendment.**

Samares Nursery

- 4.80 There were 57 responses regarding this redundant glasshouse site: 24 objecting, 26 supporting and 7 commenting. The site is supported for housing by TTS on strategic traffic grounds – its proximity to St Helier – and because, by demolishing a bungalow in the same ownership, an acceptable access could be provided to La Grande Route de St Clement. The owner is content with an 80/20 tenure split. The site is strongly opposed locally and by the St Clement Parish Connétable on grounds concerning traffic congestion, school capacity, noise and disturbance from the intended access, and surface water drainage (the word Samares has its origins as a term for a salt marsh), against what is seen to be a disproportionate urbanisation of the Parish, illustrated by comparative data on planning permissions, population density and land areas.
- 4.81 We have considered all these points carefully. However there can be no doubt that this brownfield location is very well located in relation to the BUA, being substantially enclosed by existing development. Concerns regarding traffic generation are understandable, but residents located here could be expected on the whole to use their cars less frequently and for shorter distances than they would were they living in a more remote location. There is evident scope to contribute towards the long term aim of an Eastern Cycle Route. The site complies well with the Plan's strategic aims in these regards. The education authority predicts that the relevant primary and secondary schools have adequate capacity, and again we bear in mind that children living here would in any event attend a school somewhere on the Island and the authority is able to adjust catchment boundaries in response to needs. Surface water drainage of this low lying area would require careful consideration in any detailed application, but development would replace an almost entirely impervious cover of glasshouses and we are confident that drainage off a housing development could be adequately addressed as it has been at other similarly low lying developments elsewhere. The intended access would run no great distance from a number of existing homes, but acoustic analysis confirms that noise levels would not be excessive, particularly if, as we would expect, careful attention were given to the detailed layout and boundary treatment.
- 4.82 On the broader theme regarding the scale of development in St Clement relative to some other parishes, we make two points. The BUA defined by the Approved Island Plan Proposals Map and Town Proposals Map takes in parts of the parishes immediately adjacent to St Helier, logically reflecting the established pattern of development. Therefore, new development within, or in this case very closely related to, the defined BUA accords well with the Plan's strategic aims to safeguard the open countryside and to minimise the need to travel especially car travel. When we considered the Samares Nursery previously we concluded that is a good site. Having now reconsidered it we would go further and suggest that it is the best before us for consideration.
- 4.83 **Recommendation: that the Minister retains Samares Nursery as a Policy H1 site.**
- Le Quesne Nurseries*
- 4.84 There were 63 responses: 33 objecting, 23 supporting and 7 commenting. It mainly comprises redundant glasshouses together with some associated open land. Access is via the modern Clos de Corvez development which lies immediately to the west and partly to the north. There is also housing to its east and, along the coast road, to its south, in each cases separated from it by

parcels of open land. The locality to the north is predominantly open, including an irregular shaped field alongside the Clos de Corvez development extending to La Grande Route de Saint Clement. An illustrative layout shows a new access extending from the main Clos de Corvez spine road, with the open land to the north ceded as public open space, extensive planting, the smaller land parcel to the east retained by the owner and that to the south undisturbed. The owner is content with an 80/20 tenure split, while raising the possibility for this to include occupants with parish connections.

- 4.85 Objectors raise issues regarding the site's relationship to the open countryside, traffic generation, school capacity and surface water drainage. The Parish Connétable also pursued objections relating to the degree of development within St Clement.
- 4.86 The site has local services within easy reach, good public transport links, and is not far from St Helier. Its development is not opposed by TTS. Development here would be less sustainably located than that at Samares Nursery, but it would nonetheless be on the better side of satisfactory. Fewer and shorter traffic trips would be likely to arise than at more remote locations. The parcels of land that would remain to the east and south erode but do not negate a reasonable relationship with the existing BUA, while the proposed Public Open Space offers scope to provide a desirable transition with the fully open countryside further inland and also an enhanced setting for the Clos de Corvez houses. We repeat our previous points, to the effect that education provision needs to reflect rather than determine where people live, and that there are well attested methods of disposing of surface water, as was doubtless needed for the adjacent development, and that the site as it stands is almost entirely covered with impervious development. When we looked at this site previously we concluded that it merited further appraisal. We are now satisfied that it warrants inclusion in the Plan.
- 4.87 **Recommendation: that the Minister retains this site within Policy H1.**
Longueville Nurseries
- 4.88 There were 60 responses: 12 objecting, 39 supporting and 9 commenting. Those opposed, including the Parish Connétable, referred to development "creep" into the countryside, traffic congestion and road safety. The site includes a sizeable glasshouse structure now unused, but previously a garden centre outlet, with polytunnels rising northwards from its road frontage. The Minister's proposal would designate rather over half the depth; the owner promotes the entire holding but also suggests, as a compromise, ending at a retaining wall, where the land steps up a little behind the main polytunnels. The Minister's representative did not strongly oppose this suggestion.
- 4.89 The site is well located, not far from St Helier and its lower extent at any rate is reasonably enclosed by existing development opposite and to either side. It has a good access onto New York Lane, which in turn now has a recently much improved junction with the main Rue Longueville. Residents living here would generate traffic movements, however these could be expected to be fewer and generally shorter than were the equivalent housing to be located more remotely. Public transport is also readily to hand. The site is supported by TTS. On the information now provided to us, there may be some doubt about a suggestion that the glasshouse could simply reopen as any one of a range of retail outlets, but what is not in doubt is that its authorised use as a garden centre outlet generated significant volumes of traffic.
- 4.90 When we looked at this site previously, we recommended its inclusion under Policy H1 and having considered it afresh we remain of that view. Following the hearing we made one further visit, confirming our previous conclusion that development on the more exposed, upper extent of the site would be harmfully intrusive in the local countryside. We consider that, taken overall, the retaining wall is the most logical boundary, a little deeper into the site than suggested in the *Proposed revision* but well short of the holding's full depth.
- 4.91 **Recommendation: that the Minister amends *Proposed revision* Map B.3 so the rearward boundary runs along the line of the retaining wall just behind the main polytunnels. Subject to that, we recommend that no change be made to Policy H1 with respect to this site.**

Policy H5 – affordable housing in rural areas

- 4.92 Three sites are included in the proposed changes to Policy H5 – Field 402 St Martin, Field 622 St Ouen, and Field 785 St Ouen. These are zoned for Category A housing (with the 80/20 split discussed earlier). While the policy itself does not give an estimate of the number of units to be provided, Table 6.3 shows a figure of 70 (also confirmed in para 6.115) for the three sites combined. Thus in terms of overall demand, as we indicated earlier, they are relatively small. And unlike the 4 H1 sites, they are relatively remote from the main built up area; and in two cases they are partly or wholly open sites, rather than having been previously developed for glasshouse or garden centre use. For these reasons, the sites would not in other circumstances comply with the spatial strategy of the Plan, and had they simply been put forward by a landowner it is unlikely that either we or the Minister would have considered them suitable for development. However, the intention here, as stated in the Policy, is "...to support the viability and vitality of Jersey's rural settlements". All three sites are put forward or supported by the Parishes concerned, to meet local needs – though as discussed below there is some difference of perception as to the definition of local needs. This local justification is clearly crucial.
- 4.93 The preamble to the Policy is particularly important. In summary: Para 6.116 sets out various criteria for site selection. Para 6.117 says that access to the sites will be controlled via the Housing Gateway, though links to the Parish may be a relevant consideration. Para 6.119 refers to the need for Village Plans, to be developed by the parochial authorities and subject to consultation with village people and other stakeholders. Para 6.120 says that in order to achieve formal status as SPG, via approval by the Minister, they will need to be consistent with the Island Plan. If (para 6.121) they contain proposals for rezoning land outside the BUA they will require approval by the States. Para 6.122 says that "any proposals to provide affordable housing outside the defined settlement boundary.....that are submitted as a planning application would represent a departure from the Plan....." None of the three sites has been put forward following the preparation of a Village Plan.
- 4.94 We found the examination of these sites difficult for various reasons. The first was that the Minister, though he had put forward these sites as part of the *Proposed revision*, did not appear to be fully behind them. To varying degrees, he saw the need for greater justification via the provision of detailed assessments of local need, fuller examination of alternatives, and for the preparation of Village Plans. There was a degree of ambiguity in his position which caused us some concern. These, as will be clear from the following debate, were all matters about which we asked questions. The second, as we have hinted, was about differences of opinion about the actual use of these sites – and whether the 80/20 split was appropriate. This reflected a long history, in a couple of cases, of investigation of the site for a use which no longer seemed to fit with the revised Island Plan proposals. We deal with all these issues, along with various site specific points, in the sections which follow. We draw particular attention to correspondence in advance of the EiP between ourselves (through Mrs Wilson) and the Minister about Fields 402 and 622 (EPD/2 & EPD/11). For brevity, we do not summarise that correspondence here, but it was very important in shaping the debate at the EiP and we refer to it later.
- Field 402 St Martin*
- 4.95 There were 66 responses, 35 objecting, 14 supporting and 17 commenting.
- 4.96 This piece of land lies on the edge of the built up area. There is a semi-derelict former bus depot at the northern end of the site, and part of the land has been used as a garden. The remainder is an agricultural field, but it has not been cultivated for at least 10 years, even though we were told that it had been marketed at a very low price. There are many trees on the site, especially to the north and west, but most of it is open. There is development along the eastern and northern boundaries, but development here would extend into open countryside.
- 4.97 Leaving aside for a moment this question of principle, we considered the detail of the site's characteristics, taking into account objections – especially from Mr Belhomme, who is a local resident. We find that in terms of access, proximity to the village, transport, schools, drainage, and other services, the site is satisfactory. We were not able to conclude that there are nature conservation issues which would be fatal to the development of the site on the evidence we had.

We do however consider that the trees are an important feature, both in terms of their intrinsic importance and in terms of limiting the impact of any development which might take place, especially in relation to distant views of the site. This would need to be taken into account, should the development proceed, at the application stage.

- 4.98 The questions therefore which we need to consider are – whether the Parish have made a case for development of affordable housing for local needs; whether there are any better alternatives; whether the absence of a full Village Plan is critical (and we take into account the history here); whether the Parish can in fact secure the implementation of the site if it is agreed on a basis which is satisfactory to the Minister; and how the use of the site if it were developed might be regulated via the Housing Gateway. On the basis of all these factors, can we conclude that the Parish/local need issues override the strategic issues in this case?
- 4.99 Connétable le Troquer submitted a letter dated 21 September, a lengthy “report for parishioners” amended in December 2013, and – in response to our questions – a letter and supporting report dated 4 January 2014 (EPD/14a-c). These set out in a very straightforward and open way the long history relating to this site, and the current position of the Parish and the St Martin’s Housing Association. He expanded on these at the EiP. These documents should be consulted for the full story, but the history he set out is as follows (in brief summary).
- 4.100 This site has been under consideration for very many years, and in 2006 an arrangement was agreed with the site owner for its development by the Housing Association for affordable homes for the Parish. The Association has a good track record. The site owner was to receive two open market houses, and in return the Parish was to receive the remainder of the site on which they would develop 13 homes for “young families with strong parish connections”. The Parish believe that they were encouraged in this endeavour by previous Ministers, and that the proposal was in line with subsequent policies in the 2011 Plan. There was opposition from some local residents but general support within the Parish. Alternatives had been considered. Work had commenced on the production of a Village Plan but had not been completed, essentially for resource reasons. The Parish were surprised and disappointed by the unanticipated change in the Island Plan in mid 2013, in particular the 80/20 affordable housing policy, but were prepared to work with Ministers to try to find a way in which their proposals could be implemented via the Housing Gateway.
- 4.101 We were asked to consider whether the Parish is *willing* to develop the site for homes that contribute to the Island’s needs on the basis of the 80/20 split. Our perception on the basis of what was said at the EiP is this. That the Parish was disappointed by the change to Island Plan policy last July and would prefer to continue with its previous approach. The Parish had previously been told that the Gateway would not apply. However it has shown a notable willingness to co-operate, and the Connétable said that he could see the significance of Island wide needs. The Parish has held meetings with the Housing Minister and Department. We have earlier mentioned Deputy Green’s proposals to reach an accommodation with Parishes on this matter. In developments such as this, if it went ahead, preference would be given to those coming through the Gateway with Parish connections; para 6.117 of the Plan makes provision for this. Should there be insufficient eligible candidates with Parish connections for the accommodation, then those from elsewhere would be considered. The EiP was not a forum for negotiating in any detail on this point; but it seemed to us that an understanding could be reached. We therefore conclude that in principle the Parish is willing to develop the site in the way the Plan intends.
- 4.102 There are two other points however. The first is that the Minister, in order to make the maximum use of any green land which is rezoned, would wish to see a higher density of development than the Parish had proposed. The Minister accepted that this would have a greater impact, and that care would have to be taken to preserve distant views. The difference is not great - 19 to 22 (Minister) compared with 15 (Parish). We agree with the Minister on this point, but we again note the flexibility expressed by the Parish, and we think this is a gap that could be bridged. Secondly, there is the question of the two Category B homes to be provided to the owner as part of the arrangement made in 2006. It seems to us that this would now be unacceptable. Were it being

instigated now, it could set a very dangerous precedent; we envisage landowners throughout the Green Zone putting forward schemes on this basis, which would, if approved, lead to a scattering of market houses which would be in conflict with policies in the Plan and could not be supported. It is clear that should sites be rezoned, that should happen only on the basis that – as policy H5 indicates – affordable homes were being provided for a particular local need. However, in this case the agreement goes back some eight years and was close to fruition when the *Proposed revision* to the Plan was published. The question arises as to whether an exception could be made to take account of this without endangering the Plan as a whole. In the very particular circumstances here, and subject to all other considerations, we consider that such an exception could potentially be made and justified.

- 4.103 This bears upon the next matter we were asked to consider – whether the Parish is *able* to develop the site. The answer, on the basis of the representations from both the Parish and the owner, appears to be that it could subject to compliance with the 2006 agreement. But otherwise the scheme would be in jeopardy. We have indicated that – only because of the long history here – the Minister might accept the 2006 arrangement.
- 4.104 We have been asked to consider whether the case has been made that local need exists. The Parish produced information (EPD/14c) about waiting lists etc. Clearly a local need exists, but we are aware that waiting list information of this kind can be unreliable. However, given Deputy Green's proposals regarding the Gateway we think this is a question which is not critical; provided occupiers come through that route, their need is clearly demonstrated.
- 4.105 We turn to the question of alternatives. The Connétable's January note sets out a series of alternative sites which have been considered and rejected. We are not asked to appraise these (though one of them, Field 410, appears in Volume 2) but to consider whether the exercise has been adequately undertaken. The Minister said that it was a comprehensive list – but that he could not be certain that there were no other sites which might be considered. Inevitably, neither can we. On the basis of the debate, it seemed to us that none of the sites on the list offered a good alternative. And it also seemed to us that the Parish had made a sincere attempt with the resources at its disposal, and using its local knowledge, to examine options. But it is a weakness in the Parish case that it cannot demonstrate that there are no other sites which might also be considered.
- 4.106 It is also a weakness that no Village Plan has been prepared. This is clearly not due to a lack of willingness, but to a lack of resources and expertise. We think there are wider concerns here for the Minister; the preparation of a Village Plan ought not to be a matter of great complexity but it is not something (even though it is a requirement in the 2011 Plan and in the proposed revisions) which Parishes generally have been able to pursue.

Conclusions on Field 402

- 4.107 We have found consideration of this site extremely difficult. Like the other H5 sites it involves the rezoning of a (in this case mainly) greenfield site some way from the main urban area, contrary to the spatial strategy – but it is included in the proposed revisions for the special local reasons we have mentioned. There is no Village Plan, and the consideration of alternatives has not been carried out in the context of such a plan. There is a need for an agreement involving two houses which would have to be regarded as a major exception to policy. On the other hand we were impressed by the openness and sincerity of the Connétable, who has clearly been striving (along with his predecessors) for a very long time to get this scheme off the ground in the interests of his parishioners. We were impressed too by his obvious flexibility and understanding in seeking so far as possible to bring the Parish proposals into line with those of the States, for example in terms of density and the use of the Gateway. We also note, in terms of the site itself, that a part of it has previously been developed and that it has been unused for some considerable time.
- 4.108 We conclude that a Village Plan should be prepared. Most of the work has been done, and we think that any further work the Minister may wish to see in order to be convinced about alternatives could be readily completed. We think the Minister should offer some help and advice to the Parish in order to complete this expeditiously. We think that if the site is developed, it ought

to be at the slightly higher density, and along 80/20 lines with occupants coming through the Gateway; and that in this one case the terms of the agreement might be accepted – making it clear that this does not set a precedent. Subject to a Village Plan being completed, and assuming no preferable alternatives come forward, we lean in favour of this site, which we think is well located and with care could be developed satisfactorily. We are conscious that the Parish and site owner will have mixed feelings regarding our conclusions, which fall short of an unequivocal endorsement, but building on greenfield land in the Green Zone requires unequivocal justification, which has not yet been fully met.

4.109 Recommendation: that the site is retained in the Plan but is subject to the preparation and adoption of a Village Plan (including full consideration of alternatives) to the Minister's satisfaction

Field 622 St Ouen

- 4.110 There were 125 responses, 97 objecting, 18 supporting and 10 commenting.
- 4.111 We draw attention to the report of the Planning Inspector, Mr Bushby, following a public inquiry only some 6 months before the EiP into the development of this site. (SD5). The Inspector after lengthy consideration recommended against the development, and we return to this below.
- 4.112 This is an open field in active agricultural use on the edge of the built up area to the north west of the village centre. It is proposed that half the field would be taken for development, leaving the other half in agricultural use. The site is a very prominent one in the green zone. It has development on its eastern boundary; there is also development to the north across the Rue de la Croute, and one dwelling on the southern edge. There are few trees and the land is not well screened from open countryside.
- 4.113 Leaving aside for the moment the principle of development, we considered the characteristics of the site and in doing so we were aware of a substantial number of objections from local people, several of whom took part in the EiP. In this respect it can be distinguished from the other two H5 sites which had relatively limited local objection. The site can be linked well with the village centre and is reasonably close to local services. There were objections concerning access arrangements, which would have to be considered in detail at the application stage (the Minister agreed it was a problem), as would any drainage problems and any effect on the marsh. It would be necessary to find satisfactory solutions to these three problems before the development could be taken forward.
- 4.114 The main objections – and they are substantial ones – concern its intrusiveness into the countryside and its agricultural value. On both of these, it can readily be distinguished from, for example, Field 402. We were told that if it were to be developed it would place in jeopardy the future of the whole of the agricultural holding. The tenant farmer, Mr Houguez, was among the objectors. He indicated that the remaining half of the field would be very difficult to farm. The land was of good quality, and (as others also argued) was needed for food production. The Rural Economy Team object to its loss.
- 4.115 The question therefore is whether the Parish's wish to develop this site for housing for the over 55s is sufficiently strong to outweigh these concerns. In considering this we must take into account the need for such a development, the consideration of alternatives, and the absence of a Village Plan.
- 4.116 The scheme dates back to around 2007, when the Parish received a bequest for the development of homes for the elderly of the Parish. The land in question is owned by the Rectorat and in the view of the Parish it will be possible to acquire it from the Rectorat on suitable terms, though nothing was cast in stone, and some objectors disputed the point. Whilst we have no comment on the suggestion by some objectors that it is only as a result of these two factors that the site has been put forward, we do see it as answering, at least in part, the question we were asked to examine as to whether the Parish is willing and able to develop it. It seems from the evidence that, if the Parish is correct that acquisition of the site is straightforward, then it is indeed both willing and able - at least if the development is for housing for the over 55s.

- 4.117 This of course conflicts with the Minister's intentions, which are that the site should be developed for affordable housing (80/20), and would be occupied by people coming through the Gateway. To develop the site for housing other than for elderly persons would, it appears, fail to comply with the terms of the bequest (a matter of some complexity which we do not delve into any further). We discussed at the EiP the extent to which Deputy Green's flexibility in terms of the application of the Gateway could square this circle. It was suggested that the site could indeed be developed for the over 55s. Preference would be given to those with Parish connections, and possibly to those "downsizing" from other units of Parish accommodation. Should the numbers not match, units would be allocated to over 55s from elsewhere in the Island. We think that, though this is a slightly messy compromise, it may be possible should the site go ahead for an understanding to be reached between the Parish and the Housing Department. It is stretching the point since the Minister argued (as we have seen earlier) that there is not a particular shortage of over 55s housing and that priorities lie elsewhere; but the Minister seemed willing to contemplate this compromise.
- 4.118 There is a further matter regarding the density of development. The Parish had envisaged 19 units but the Minister in the proposed revisions suggests a total between 19 and 32, on the basis that he wishes to make maximum use of any rezoned site. This is also a matter which would need to be resolved, but we agree with the Minister's position.
- 4.119 We turn to the question of local need. This was a matter of concern to Mr Bushby, who found that there was insufficient information and justification on this point (see SD5). We agree with him, and the further information which was supplied did not seem to us to answer the point. We were told that there were 10 over 55s from St Ouen currently on the Gateway list, and 192 from elsewhere in the Island.
- 4.120 This is of course rendered less significant if an agreement is reached whereby the occupiers of the units come through the Housing Gateway; there is a demonstrable Island-wide need to which this site might make a contribution if the local need for Gateway-compliant over 55s were insufficient – though it must be said that for many Island residents this site would appear somewhat remote.
- 4.121 We turn to the question of alternatives – another matter on which Mr Bushby was not satisfied. Subsequent to his Inquiry, a substantial document (SD6) was produced by Morris Architects which examined in a professional way a series of alternatives around the village. It has not been possible for us to examine all these sites (though we did endeavour to look at them) – and we were not asked to do so (in passing, we do not agree with Mr Bushby that an Examination into the Island Plan, considering the strategy for the future of the whole of the Island, would be the right place to do this job; or at least, if it was, the EiP would be a substantially longer and more complex exercise).
- 4.122 While we are impressed by Morris Architects study, we do not feel that we can simply accept its findings. They have not been the subject of consultation – even, in many cases with the owners of the sites in question. They have not been independently assessed or scrutinized, due to the very short period since they were produced. The Minister himself, while welcoming the report, indicated that he needed to consider its implications, and in particular the reasons for rejecting some of the sites. It is a valuable contribution, but not the last word.
- 4.123 We do not regard the fact of these alternatives being examined after, rather than prior to, the selection of Field 622 as the preferred site as fatal, but neither is it best practice.
- 4.124 We turn to the question of a Village Plan. None exists, and Mr Morris said that St Ouen had been advised by previous Ministers not to go down that route. But it is a policy in both the 2011 Plan and in the proposed revisions, and Mr Bushby was very much influenced by the lack of a plan, and the lack of a comprehensive view of the future of the village. Mr Morris felt, no doubt rightly, that the work he had done on alternatives was a big step in the right direction; but it does not amount to a plan. Deputy Reed indicated that Field 622 was a site consistently supported by the Parish, and indeed there have been two Parish meetings which have supported its development after a vote. This is an important factor to weigh in the balance when considering the weight to be

given to local objections. But it does not overcome, in our view, the lack of a plan or the need for a more rounded consideration of alternatives.

Conclusions on Field 622

- 4.125 This is a particularly prominent open site with a high agricultural value. The bar is therefore set quite high. It has its advantages, including its proximity to the village, and the support expressed at Parish meetings cannot be ignored. The effort and commitment of the Parish authorities to the development of accommodation for its residents must be applauded. But the difficulties are considerable.
- 4.126 We conclude that a Village Plan should be prepared. A good deal of the necessary work has been done, and it should be completed expeditiously. We think the Minister should offer some help and advice to the Parish in order to complete it. As part of that exercise the alternatives need to be fully and independently assessed, on the basis of the technical work already carried out. This may turn out to be the best site and we do not rule it out of the equation. But we are not convinced – its disadvantages are substantial.
- 4.127 **Recommendation: that this site is deleted from the Island Plan but that work on the Village Plan is completed as quickly as possible with a view either to its reinstatement or the addition of an alternative site.**

Field 785

- 4.128 There were 62 representations, 19 objecting, 32 supporting and 11 commenting.
- 4.129 This is a redundant glasshouse site (disused since 2005) on the edge of the small settlement of St George's in St Ouen. It was an H4 site in the 2002 plan, and was included in the draft plan in 2010 but removed during the States debate. It is almost completely surrounded by development, including a recent scheme (Clos de Vautier) to the north. The village has few facilities, though it was argued at the EiP that additional housing might provide the opportunity for more to be provided. There is a school nearby. Access can be obtained, though the implications of the development for the junction at Rue de Cosnets would have to be considered at the development control stage.
- 4.130 Only one of the objections was from a local resident, Mr Prouten. He makes some important points, but they are essentially matters to be taken into account at the development control stage.
- 4.131 There is no doubt that this is a somewhat remote rural settlement, and therefore a site which is remote from the main built up area. However, in our view its character is such that its development for affordable housing for the purposes specified in policy H5 would not be unacceptable. It should be developed on the basis of the 80/20 split (the Parish suggested that it would be developed in tandem with Field 622 – or, we would add, any alternative site - with some mixing and matching to achieve this split overall; we leave that for local negotiation). There are some difficulties of detail, but nonetheless we accept that this is a suitable site.
- 4.132 **Recommendation: that the Minister proceeds as intended.**

CHAPTER 5 POLICY NR8

Introduction

5.1 The Plan as it currently stands includes:

Proposal 27

Review of Safety Zones for Hazardous Installations

The Minister for Planning and Environment will seek to ensure that work is undertaken to review existing safety zones and to define new zones, where this work has yet to be undertaken, as appropriate, during the Plan period.

Policy NR 8

Safety Zones for Hazardous Installations

In considering development proposals within the following safety zones associated with hazardous installations, as designated on the Proposals Map, the Minister for Planning and Environment will consult with those regulators identified in brackets below and other relevant stakeholders, to determine the appropriateness of the development:

- 1. La Collette Fuel Farm (The States of Jersey Fire and Rescue Service);*
- 2. La Collette LPG Storage Site (Health and Safety at Work Inspectorate);*
- 3. Les Ruettes LPG Storage Site, St John (Health and Safety at Work Inspectorate);*
- 4. Airport Fuel Storage Site (The States of Jersey Fire and Rescue Service);*
- 5. Crabbé Explosive Storage Site, St Mary (The Home Affairs Department); and*
- 6. Gas Holder, Tunnel Street (Health and Safety at Work Inspectorate).*

Developments within the vicinity of the hazardous installations at La Collette will also be the subject of consultations with the La Collette Hazard Review Group.

In all cases, the health and safety of the public and the extent to which any risks can be managed or mitigated will be the overriding considerations. Developments that would conflict with the reasonable requirements of health and safety will not be permitted.

- 5.2 The Minister's consultation was brief: "*Since adoption of the 2011 Island Plan the risks posed to development from one of the Island's hazardous installations at the Jersey Gas site in the north of the town has changed and new information about the extent of risk has become available at the Airport Fuel Farm. Because of this, the Minister proposes to amend Policy NR8: Safety zones for hazardous installations and the Proposals Map, to reflect the current situation.*"
- 5.3 Aside from some minor textual revisions, the *Proposed revision* changes to the Policy and its reasoned justification with respect to location 6, the Tunnel Gas Holder, are limited to acknowledging that the installation is no longer operational, significantly reducing risk, and that work is to continue towards full decommissioning by the end of 2014. The change proposed with respect to location 4, the Airport Fuel Farm, is to define safety zones around it on the Proposals Map.
- 5.4 There were 53 responses: 35 supporting, 16 commenting and 2 objecting. Unsurprisingly, there was no objection regarding the Tunnel Gas site. In response to representation by Mr Whitley, for La Comité du Commune Rural St John, the Minister confirmed that Jersey Gas has been actively considering the potential relocation of location 3, Les Ruettes LPG Storage Site. This does not, however, feature in the current *Proposed revision* proposals. Objections regarding location 4, the Airport Fuel Farm, were made by Mr McAllister supported by Mr Harding of BDK Architects while the Association of Jersey Architects voiced concerns short of an objection. Deputy Young separately proposed that a parcel of land outside the Airport perimeter, within the proposed safety zones, be made available as allotments.
- 5.5 Mr McAllister's home, Laburnum Farm and its associated Field 282, border the Airport in the vicinity of the Fuel Farm and, along with several facilities within the Airport boundary, are inside the proposed safety zone. His submissions are to the effect that he was assured by the Airport Authority at time of purchase that there were no safety concerns regarding his property.

Circumstances on the ground have not significantly changed and if there has now been a rethink regarding safety this should place the onus on Airport Authority to mitigate the risk, either by relocating the fuel farm or by the erection of blast walls. The safety zone, if adopted, would inhibit future development at his property, which predated the fuel farm, and the Policy should acknowledge this by requiring the Airport Authority to make appropriate compensation. He further advised us that he had found difficulty in establishing contact with the Airport Authority regarding his concerns.

- 5.6 We were and remain sympathetic to Mr McAllister's situation but felt bound to stress at the hearing, and to repeat here, that the proposed Safety Zones simply reflect the findings of a technical assessment, Jersey Airport Review of Fuel Farm Safety Zones (Atkins May 2011), as indeed the Minister is obliged to do under the terms of the extant Proposal 27. The presence of the zones would become a material consideration in the determination of any future planning applications within them. Any issue of legal responsibilities or liabilities that might flow from defining the zones would, however, be a civil matter between the parties concerned. In the event, Jersey Ports (the Airport Authority) and their technical advisor, were well represented at the hearing. They and Mr McAllister readily agreed to a suggested private meeting in a nearby room. We can, in a strictly neutral manner, express the hope that this was helpful in opening up lines of communication, but beyond that the matter cannot affect the need for the Plan properly to reflect the most recent assessment of risk.
- 5.7 The open parcel of land referred to by Deputy Young lies near Mr McAllister's home, similarly just outside the Airport perimeter. As the Minister said in response, any planning application for allotment use would need, on adoption of the zones, to be assessed having regard to Planning Advice for Developers Near Hazardous Installations (PADI - HSE September 2009) which, in brief, gives advice based on the zone type and category of proposed development. We would not wish to fetter any such application by seeking now to interpret the PADI document with respect to a future application for allotment use on this land. Moreover, at the hearing Jersey Ports advised that although currently outside the airport perimeter the parcel of land in question is owned by them and they have intentions to incorporate it within the perimeter for airport use.
- 5.8 **Recommendation: that the Minister proceeds as he intends with respect to Policy NR8, its reasoned justification and the Proposals Map.**

CHAPTER 6: PROCESS

Introduction

6.1 We were invited to include within this report comments about the process – in particular the EiP itself and the subsequent stages in which we may be involved. We make the following brief points.

Public consultation

6.2 There were, among those who made representations, some who objected to what they saw as the very brief period within which they had to make representations. The comments from the Council for the Protection of Jersey's Heritage would be a good example of this.

6.3 In practice we feel that since this was only a partial review – mainly of some important housing policies but with some useful tidying up of a small number of others – a lengthy period of consultation was not necessary and, insofar as we are aware of the details of the consultation stage back in the middle of 2013, we do not feel that it was unreasonable. Had this been a full review of the Plan we would have expected a much more comprehensive approach, and when that comes around the Minister will no doubt be looking to engender the maximum involvement of the public at an early stage.

Anonymous representations

6.4 We were surprised to find that provision had been made for representations to be made anonymously. This is unusual in any judicial or quasi-judicial process. Normally the decision maker will wish to know the source of representations in order to judge their significance and relevance fully. Should the respondent have a pecuniary interest for example, it is desirable to be aware of this, even though it may not invalidate the comment. Anonymity provides the opportunity for a respondent or group of respondents either to submit observations which are not supported by evidence, or to submit a substantial number of comments without the decision maker being aware of it – something which could clearly influence the process unduly. It means that the Minister cannot discuss the representation with its author – maybe to see whether there is room for agreement, and the Inspectors cannot hear from him or her at the EiP and take advantage of, or question, the evidence. Moreover, the consultation expressly committed the Minister and the Inspectors to have regard to the anonymous comments, which we have of course endeavoured to follow but subject to caveats just made. We would suggest that in future consultations it is right that those who wish to make comments should be prepared to identify themselves.

Involvement of Members

6.5 This is a particularly important point, and one which – even though it goes beyond our remit into the political arena – we strongly feel needs to be addressed.

6.6 In both the 2010 EiP and in the 2014 EiP a relatively small number of States Members submitted representations. The majority of those which we received concerned sites which lay in the Parishes of the Members concerned, and this is an important and valuable part of the process. But very few made comments on the important policy issues involved in the two EiPs. We invited a number of those Members who had done so (commensurate with maintaining a balance in the debates) to take part in the policy sessions and their input was extremely valuable.

6.7 However most Members did not become involved. We arranged, both in 2010 and in 2014, a special “open session” to which all States Members were invited. None took up this opportunity in 2014, and only two became involved in 2010, one of whom had been heavily involved in the policy sessions in any event and wished to make additional points.

- 6.8 This is important partly because Members have an important contribution to make. But mainly because it introduces an unnecessary degree of inefficiency, unpredictability and expense to the process. Members are free to propose amendments when the Minister's recommendations (following our report) are put before the States Assembly. Many of them took this opportunity in 2010 and it may be that the same will happen in 2014. Following the 2010 EiP we were asked to hold a further EiP (which took place in May 2011) to consider 38 amendments which raised new matters which had not been considered previously (together with a number of amendments to those amendments). This is a time consuming process for officials, and is not without significant cost.
- 6.9 As a result of this post EiP process it seemed to us that the debate in the Assembly became "skewed", being a debate on specific amendments rather than a rounded and cool look at the strategy and policies of the Plan. It also seemed to us that matters which should have been debated and resolved much earlier in the process remained matters of uncertainty right to the end. The observation was made to us that, in most jurisdictions, the level of uncertainty would gradually reduce as the Plan went through its various stages and processes, and people's concerns and observations would be taken into account. In Jersey the opposite seems to happen and there remains a great deal of unpredictability right until the last minute, and substantial changes can be made. We give just a few examples.
- 6.10 Some of the amendments which were raised in 2010 went to the heart of the Plan. One, for example, was to remove the Housing Chapter completely. It seems to us remarkable that after a process lasting several years, after extensive public consultation and debate, and an EiP, something so fundamental as this might be seriously contemplated. Other amendments were matters of relative detail and involved, for example, minor but important changes to the boundary of the Coastal National Park. However these and several other detailed amendments of this kind (for example about the Eastern Cycle Network, access for the elderly/mobility impaired to open space, renewable energy, road safety, parking and many more) could and should have been raised much earlier and could have been considered at the first EiP. We recommended in favour of some but against others.
- 6.11 Other crucial amendments in 2011 of course involved the position of key sites in the Plan. We have commented on this earlier in this report, and it is one of the main reasons why we have returned to the Island. The failure to include these sites undermined the whole thrust of the Plan, and the alternative of inserting States –owned sites, as we have earlier observed, proved unsurprisingly inadequate. There were those at the 2014 EiP who speculated that the same outcome might result from the States Assembly debate again this time, though that is unknowable. But to have that level of uncertainty about a key component of the Plan at this very late stage is unusual.
- 6.12 Of course, to remove the right of Members to make amendments would not be an acceptable, practical or reasonable suggestion. But it seems essential to us that Members are brought into the process at a much earlier stage and that they make the points they wish to make in advance of, not after, the EiP. Perhaps there is a tendency to regard the Island Plan as the Minister's Plan not the States Plan. There does not seem to be collective ownership of it. When the Plan is next reviewed an essential part of the process must be to engage all Members at an early stage, with some mixture of support, advice and coercion to make sure they do not withhold their views until the very last minute. Plus concerted efforts to minimise disagreement on the most fundamental issues, and some degree of pressure to ensure that the raising of matters at the final stage which could have been raised earlier is the subject of criticism.
- 6.13 None of this is to downgrade the role of Members; on the contrary they are likely to be more effective if they take a part in the process throughout and represent their constituents at all stages. Certainly the Plan is likely to be a better Plan if the expertise of elected Members is used in order to make sure the Plan is right in the first place, rather than seeking to make changes or corrections at the very last minute.

Role of the Parishes

6.14 We have referred, particularly in Chapter 4, to issues which arose between the States and the Parishes. Most of these went beyond our remit, but we note that the proposed revisions in some cases took them by surprise, and created difficulty in relation to negotiations which had sometimes been in train for some time on particular sites. During the EiP, ways of resolving this, and also the differences of view about the tenure split, emerged. However there is a matter to which we draw attention here, and that is the question of Village Plans. Though these were part of the 2011 Plan, and were needed if sites for local needs were to be progressed, little or no progress had been made. It seems that the Parishes (not just St Martin and St Ouen, which have been promoting H5 sites) have found this difficult. There are problems to do with resources and expertise. We think the notion of Village Plans is a good one, but we think the Parishes need support and assistance if this is to be a successful part of the process. It might be helpful if the Minister were to produce supplementary planning guidance, or other advice, to assist this process.

Consideration of promoted sites

6.15 At the 2010 EiP we considered well over 100 pieces of land which had been put forward by landowners and agents as possible housing sites. In 2014 we considered nearly 40 sites, many of which we had looked at before. In the great majority of cases the promoters requested hearings, at both EiPs, and though we sought to deal with them as expeditiously as possible, this was a time-consuming process. In addition, prior to the EiP, we visited all of the sites – we are firmly of the view that it is quite impossible to deal fairly and properly with a site unless we have seen it on the ground. Then of course we reported on all the sites and while, again, we minimised the work involved, shared it between us, and provided only brief reports, this also took some time. Thus the process of dealing with these sites is a lengthy one – though of course it may well be valuable for the Minister to have our independent view and we make no complaint about it. We simply point out the time and cost involved.

6.16 However there are in our view some problems attached to this process and in Volume 2 of our 2010 report we made (among others) the following points:

- "1. Some of these are very minor issues, not really appropriate for an EiP into a plan dealing with the strategy for the future of the Island. They are nonetheless important and we have taken them very seriously. In a few cases, however, they are essentially development control matters and we have not been able in the time available to carry out all the research which would be needed to come to a firm view on them (nor would it be appropriate for us to do so). We give a preliminary view."
- "2. In most cases, where new sites have been put forward for development, there has so far as we know been little or no consultation with surrounding residents, with the Parishes, or with others. We have therefore been cautious about this. There are some sites which we suggest may have potential for future development but this would be dependent on an effective level of consultation. As we have indicated in Volume 1 we do not recommend that these be included in the IP, because of the delay this would cause".
- "3. Quite a number of the proposals were, bluntly, in direct conflict with the overall strategy of the Plan. It will be clear from Volume 1 of our report that in general we support the Minister's aim to concentrate development in or very close to the urban areas, for various reasons, and we are acutely aware of the States' overall policy to avoid the development of Greenfield sites. On the other hand, as we also indicate in Volume 1, there are dangers in a blindly rigid approach to this principle and we indicate in a few cases (generally involving sites capable of taking only a single dwelling) where we think the Minister might make an exception".
- "5. We understand that on previous occasions further sites have been added to the Island Plan as a result of propositions at a very late stage made by Members in the States Assembly. We think the fact that the EiP has taken place should remove the need for this. All States members were invited to take part, and all had ample opportunity to put forward sites at

various stages in the process. It would undermine the whole process if new sites now came forward which had not been the subject of debate and examination.”

- 6.17 A further point was made by the Minister in 2014, with which we agree – that these sites may not be the “best of the rest” and there may be other sites of which we are not aware which (if more land is required for development) would be preferable (see Chapter 4). In other words we are looking at these sites in isolation without a picture of what alternatives might be available.
- 6.18 All our previous points remain relevant. The matter concerning States Members (point 5) we have already considered, but the first three are important. It is particularly unreasonable that sites come forward to an EiP without the knowledge of surrounding residents and others who might be affected. It is of course true that, were they to follow events on the website, the fact of the debate is in the public domain. But most people do not do this, and unless a local resident or elected representative becomes aware of the proposal in some (often accidental) way the views of any potential objector (or supporter) remain unknown.
- 6.19 For all these reasons this matter needs attention. In another nearby jurisdiction, we understand, the preparation of a Plan has been accompanied at an early stage by a “call for sites”. How this will play out through the process remains to be seen, and needs to be monitored.
- 6.20 There may also be ways, maybe involving changes to the law, where (should the Minister wish) the discussion of very small sites (for example below x vergees) could be excluded from an EiP which after all is intended to determine the future strategy and policy for the Island as a whole rather than the detail of very small sites. These and no doubt other options can be considered between now and the date of any further review.

APPENDIX 1: EXAMINATION IN PUBLIC PROGRAMME

The sessions held between 14-17 January took place at St Paul's Centre, Dumaresq Street, St Helier and the sessions held between 21-23 January took place in the Members' Room, Société Jersiaise, Pier Road, St Helier. Not all Participants recorded their names on the attendance lists and the representatives for some organisations varied from those notified to the Programme Officer. It is regretted if any name is misrecorded, which will not have affected the Inspectors' understanding of the cases put to the EiP. ~~Struck through~~ indicates invited participants who did not attend that session.

Date	Topics	Participants	Time allocated
Tuesday 14 January Day 1	Housing - Policies H1-H5	States of Jersey Department of the Environment Representatives Minister for Housing, Deputy Green Deputy Power Deputy Young Council for the Protection of Jersey's Heritage (Mr Mesch) Jersey Construction Council (Mr Cotillard) Pioneer Property Services Ltd representing MS Planning (Mr Parker) Mr Seymour Mr Wimberley Association of Jersey Architects (Mr Riva & Mrs Blakeley) Jersey Hospitality Association (Mr Fletcher) Jersey Chamber of Commerce (Mr Taylor) Royal Jersey Agricultural & Horticultural Society (Mr Godfrey) Mr Le Quesne Mr Henkhuzens Mr Dun OTHER PARTICIPANTS Mr Mavity & Mr Gallichan, Housing Department Dr Gibaut, Statistics Unit Mr Foster, Property Holdings (Q5 only) Mr Bradbury, Strategic Housing Unit (Q11/11a only)	All day

Date	Topics	Participants	Time allocated
Wednesday 15 January	H1 & H5 Housing Sites	States of Jersey Department of the Environment Representatives (All sites)	
Day 2		H1(5) De la Mare Nurseries, Grouville Mr Smith MS Planning, representing Mr Smith Parish of Grouville (Connétable Le Maistre) Mr Dutson	9.45-10.45
		H1(6) Samares Nurseries, St Clement Mrs Mathew MS Planning, representing Mr Vibert & Mrs Mathew Connétable Norman Manor Road Property Owners Association (Mr King)	11.00-1200
		H1(7) Le Quesne Nurseries, St Clement Mr Thorne representing Alpine Contractors Ltd Connétable Norman	12.00-1.00
		Lunch	1.00 – 2.00
		H1(8) Longueville Nurseries, St Saviour Mr Hamon MS Planning representing Mr Hamon Connétable Rennard Deputy Le Herissier Mr Thorne	2.00-3.00
		H5(1) Field 402, St Martin Ms Johnson Connétable Le Troquer Deputy Luce	3.00-4.00
		Break	4.00-4.15
		H5(2) Field 622, St Ouen Deputy Reed Connétable Paddock Mr Renouf Procureur Morris Architects representing the Parish of St Ouen (Mr Morris) Mr Lees-Baker Mr Poole Mr Le Brocq	4.15-5.15

Date	Topics	Participants	Time allocated
Thursday 16 January Day 3	H5 Housing Site	States of Jersey Department of the Environment Representatives (All sites)	
		H5(3) Field 785, St Ouen States of Jersey Department of the Environment Representatives Deputy Reed MS Planning, representing Mr & Mrs Frazier Connétable Paddock	9.45-10.45
	NE6 Coastal National Park	States of Jersey Department of the Environment Representatives Deputy Le Fondré Association of Jersey Architects (Mr Le Sueur) Mr & Mrs Dixon Deputy Macon Mr Harding Mr Stein Mrs Steedman representing Mr Le Marquand Mrs Vibert Council for Protection of Jersey Heritage (Mr Mesch) National Trust for Jersey (Mr Alluto & Mrs Jeune) Deputy Young	11.00 – 3.00 (including lunch break)
		QUESTION 5 As above and: MS Planning representing Jersey Water Jersey Water (Mr Snowden)	2.30-300
	NE7 Green Zone	States of Jersey Department of the Environment Representatives Deputy Le Fondré Royal Jersey Agricultural & Horticultural Society (Mr Godfrey) Jersey Construction Council (Mr Cotillard) Mr Stein Association of Jersey Architects (Mr Harding) Deputy Young Mrs Steedman representing Mr Labey Council for the Protection of Jersey Heritage (Mr J Mesch) Mr P Harding National Trust for Jersey (Mr Alluto & Mrs Jeune)	3.15-4.45
		QUESTION 5 As above and: Mr Harris States of Jersey Education, Sport & Culture Department Connétable Pallett Deputy Young Deputy Ryan Minister for Education, Sport & Culture Mrs Doleman	5.00-

Date	Topics	Participants	Time allocated
Friday 17 January Day 4	GD2 Demolition and replacement of buildings	States of Jersey Department of the Environment Representatives Deputy Young Deputy Power Mr Anthony Mrs Vibert Mrs Steedman Association of Jersey Architects (Mr Riva) Mr Stein Mr Harding	10.00-11.00
	NR8 Safety Zones for Hazardous Installations	States of Jersey Department of the Environment Representatives Mr McAllister Ports of Jersey Dr Tisdale & Mr Driscoll Deputy Young Mr Lines, Atkins (Technical Advisor to Ports of Jersey)	11.00-11.30
	Open Hearing Session	Caritas Jersey - Monsignor Nicholas France	11.45
Tuesday 21 January Day 5	Other sites	States of Jersey Department of the Environment Representatives (all sites)	
	J1 Garden of Hors d'la Vaie, St John	Mrs O'Hara	10.00-10.20
	MN3 La Preference, La Rue du Hucquet, St Martin	Mr Monamy Mr Dunne & Mr Dubras representing Mr Monamy	10.20-10.40
	L1 Lion Park, Les Chanolles Des Six Rues, St Lawrence	Mr Cook Godel Architects representing Mr Cook Deputy Le Fondré Connétable Mezbourian	10.40-11.00
	H5/5a Fields 1186A, 1189, & 1198 La Grande Route de St Jean, St Helier	Mr Thorne	11.20-11.40
	B3 Tabor Park, La Route des Genets, St Brelade	Wefan Development Ltd (Mr Weaver) MS Planning representing Wefan Development Ltd (Mr Weaver) Connétable Pallett Deputy Young	11.40-12.00
	G1 Fauvic Nurseries, Grouville (Fields 508, 508A, 526, 526A, 521A)	Mr Payn MS Planning representing Mr Payn	12.00-12.20
	MN4 Field 410, La Rue des Buttes, St Martin	Mr Strong MS Planning representing Mr Strong	12.20-12.40
	O1 Field 783, La Route de Millais, St Ouen	MS Planning representing Mr Prouten	12.40-1.00
	Lunch		1.00-2.00

Date	Topics	Participants	Time allocated
Tuesday 21 January Day 5	Other sites (continued)	States of Jersey Department of the Environment Representatives (all sites)	
		S2 Field 380, La Rue a la Dame, St Saviour Mr Norman MS Planning representing Mr Norman	2.00-2.20
		B1 Field 139, La Petite Route des Mielles, St Brelade Connétable Pallett Deputy Young Mr White	2.20-2.40.
		S5 Field 740, Longueville, St Saviour Mr Warren, representing Mr Payn	2.40-3.00
Wednesday 22 January Day 6	Other sites	States of Jersey Department of the Environment Representatives (all sites)	
		T2 Field 1404, Trinity Mr Bisson Mr Dun	10.00-10.20
		P2 Field 287, St. Peter Mr Masefield Mr Harding representing Mr B Masefield	10.20-10.40
		P3 Field 797, St. Peter Connétable Refault Mr Cornelissen	10.40-11.00
		H6 Fields 1341 and 1341A, St Helier Mr Williamson Mr Dunne & Mr Dubras representing Mr Williamson	11.20-11.40
		G3 The Grange & Field 730A, La Rue a Don, Grouville Mrs Evans MS Planning representing Mrs Evans	11.40-12.00
		H1 Part Field 1219, Grande Route de Mont a l'Abbe, St Helier Mr Furzer MS Planning representing Mr Furzer	12.00-12.20
		H3 Field 1368, St Helier Mr McCammon MS Planning representing Mr McCammon	12.20-12.40
		H4 Field 1551 Westmount Road, St Helier Mr Rondel MS Planning representing Mr Rondel	12.40-1.00
		Lunch	1.00-2.00

Date	Topics	Participants	Time allocated
Wednesday 22 January Day 6	Other sites (continued)	States of Jersey Department of the Environment Representatives (all sites)	
		L2 Field 114, Le Passage, Carrefour Selous, St Lawrence Mr Cook MS Planning representing Mr Cook Connétable Mezbourian	2.00-2.20
		S1 Fields 341 & 342, Clos de la Pommeraie, La Rue de Deloraine, St Saviour Mr Hocquard MS Planning representing Mr Hocquard	2.20-2.40.
		S4 Fields 741 & 742, New York Lane, St Saviour Mr & Mrs Lloyd MS Planning representing Mr & Mrs Lloyd	2.40-3.00
		S6 Field 836, Bagot Road, St Saviour Mr Le Marquand Mr Renouf MS Planning representing Mr Le Marquand	3.20-3.40
		T1 Field 1017a, La Rue du Moulin du Ponterrin, Trinity Mr Le Quesne MS Planning representing Mr Le Quesne	3.40-4.00
		H2 Field 1248, La Pouquelaye, St Helier Walter Property, Mr Philip Syvret MS Planning representing Walter Property Deputy Hilton	4.00-4.20
Thursday 23 January Day 7	States Closing Submissions		AM

APPENDIX 2: CORE DOCUMENTS LIST

Island Plan Documents	
IP1	2011 Island Plan Interim Review - Consultation Paper
IP2	Policy GD2 Briefing Paper
IP3	Policies NE6-7 and NR9 - Briefing Paper
IP4	2011 Island Plan Interim Review Proposed Amendments
IP5	Current 2011 Island Plan
IP6	Minister for Planning and Environment's proposed amendments to the 2011 Island Plan: interim review
Public Consultation Related Documents	
PC1	Draft Advice Note - Coastal National Park
PC1a	Coastal National Park Consultation Paper
Background Technical Documents	
BT1	2011 Census Report
BT2	2012 Housing Affordability Report
BT3	2012 Housing Needs Survey - Jersey's Housing Assessment
BT4	2012 Population Update Report
BT5	2013 Population Projections
BT5a	2013 Household Projections - Overview
BT6	Residential Land Availability Report, January 2013
BT7	Airport Hazard Zones - Atkins Report
BT8	Jersey's Housing Assessment, 2007
Supporting Documents	
SD1	Stenson v Minister for Planning and Environment, 14 December 2009
SD2	Le Boutillier v Minister for Planning and Environment, 11 May 2012
SD3	Hobson v Minister for Planning and Environment, 19 November 2012
SD4	Dixon v Minister for Planning and Environment 20 December 2012
SD5	Field 622, St. Ouen - Inspector's Report - August 2013
SD6	Sites assessed for suitability for sheltered housing in St Ouen, Morris Architects for the Parish of St Ouen
SD7	Countryside Character Appraisal, 1999
SD8	Planning and Building (General Development) (Jersey) Order 2011
SD9	Compulsory Purchase of Land (Procedure) (Jersey) Law 1961
Other States Documents	
OS1	St Ouen's Bay Planning Framework, 1999
OS2	Working draft SPG on operation of GD2

APPENDIX 3: DOCUMENTS LIST

[italics denote documents submitted during the EiP]

EXAMINATION PROCESS DOCUMENTS	
EPD/1	Draft List of Topics and Participants dated 12 November 2013
EPD/2	Draft Notes for Guidance for Participants and Observers dated 12 November 2013
EPD/3	Note from the Inspectors to the Department of the Environment regarding Fields 402 and 622
EPD/4	Notes of the Meeting with States Members held on 20 November 2013
EPD/5	Notes of the Pre Examination Meeting held on 21 November 2013
EPD/6	Notice of the Second Round Representations published on 27 November 2013
EPD/7	Revised List of Topics and Participants dated 27 November 2013
EPD/8	Notes for Guidance for Participants and Observers dated 27 November 2013
EPD/9	Email exchange between Deputy Young and the Programme Officer regarding GD3, Density
EPD/10	Further guidance from the Minister to the Inspectors on GD3, Density
EPD/11	Further guidance from the Minister to the Inspectors arising from their note regarding Fields 402 and 622 [EPD/2]
EPD/12	Note from the Inspectors to the Parish of St Martin regarding Field 402
EPD/13	Note from the Inspectors to the Parish of St Ouen regarding Field 622
EPD/13	Letter dated 2 January 2014 from the Parish of St Ouen in response to a letter dated 10 December 2013 sent on behalf of the Inspectors
EPD/14a	Letter from Connétable Le Troquer to the Programme Officer dated 4 January 2014
EPD/14b	Response from the Parish of St Martin to a letter dated 10 December 2013 sent on behalf of the Inspectors
EPD/14c	Draft report on a Village Plan, amended December 2013
EPD/15	Statement by the States - Housing - demand and supply revisions in response to queries raised by the Inspectors
EPD/16	Timetable for the hearing session on Field 402, St Martin
EPD/17	Timetable for the hearing session on Field 622, St Ouen
EPD/18	Timetable for the hearing session on Housing
EPD/19	Timetable for the hearing session on NE6 (Coastal National Park)
EPD/20	Timetable for the hearing session on NE7 (Green Zone)
EPD/21	<i>Closing submission by the States</i>

STATEMENTS**Housing Session**

HOU/STATES	Statement by the States of Jersey Department of the Environment
<i>HOU/STATES/1</i>	<i>Notes submitted at the session regarding an inaccuracy in Table 14 of the RLA Report</i>
<i>HOU/STATES/2</i>	<i>Major Category B Housing Site Completions 2011</i>
HOU/PIONEER	Statement and appendices by Pioneer Property Services Ltd on behalf of MS Planning
HOU/WIMBERLEY	Statement by Mr D Wimberley
HOU/LE MAISTRE	Written representation by Connétable Le Maistre

H1(5) De la Mare Nurseries, Grouville

H1(5)/STATES	Statement by the States of Jersey Department of the Environment
H1(5)/SMITH	Statement by MS Planning on behalf of Mr Smith
H1(5)/TOWNSEND	Written representation by Mr A Townsend

H1(6) Samares Nurseries, St Clement

H1(6)/VIBERT-MATHEW	Statement by MS Planning on behalf of Mr Vibert & Mrs Mathew
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H1(7) Le Quesne Nurseries, St Clement

H1(7)/ALPINE	Site appraisal plan submitted by Mr Thorne on behalf of Alpine Contractors
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H1(8) Longueville Nurseries, St Saviour

H1(8)/HAMON	Statement by MS Planning on behalf of Mr Hamon
H1(8)/STATES	<i>Planning history submitted as requested by the Inspectors</i>
H1(8)/STEIN	<i>Planning history of the site</i>

H5(2) Field 622, St Ouen

H5(2)/POSO	Statement by Morris Architects on behalf of the Parish of St Ouen
H5(2)/PADDOCK	Statement by Connétable Paddock
H5(2)/RENOUF	Statement by Mr Renouf
H5(2)/REED	Statement by Deputy Reed
H5(2)/LEES-BAKER	Statement by Mr J Lees-Baker
H5(2)/LE BROCCQ	Statement and appendices by Mr G Le Broccq
H5(2)/POOLE	Statement and appendices by Mr N Poole

H5(3) Field 785 St Ouen

H5(3)/FRAZIER	Statement by MS Planning on behalf of Mr & Mrs Frazier
H5(3)/REED	Statement by Deputy Reed

NE6 – Coastal National Park

NE6/STATES	Statement by the States of Jersey Department of the Environment
NE6/STATES/1	<i>Conversion of employment uses in Coastal National Park and Green Zone</i>
NE6/LE MARQUAND	Statement and appendices by KEPlanning on behalf of Mr Le Marquand
NE6/MS PLANNING	Statement by MS Planning
NE6/JERSEY WATER	Statement by MS Planning on behalf of Jersey Water
NE6/CPJH	Suggested Policy on Landscape Protection

NE7 – Green Zone

NE7/STATES	Statement by the States of Jersey Department of the Environment
NE7/LABEY	Statement by KEPlanning on behalf of Mr Labey

GD2 – Demolition and Replacement of Buildings

GD2/STATES	Statement by the States of Jersey Department of the Environment
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NR8 – Safety Zones for Hazardous Installations

NR8/STATES	Statement by the States of Jersey Department of the Environment
NR8/MCALLISTER	Statement by Mr R McAllister

Open Hearing Session

OS/CARITAS	Statement by Caritas, Jersey
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MN3 La Preference, La Rue du Hucquet, St Martin

MN3/MONAMY	Statement by C3D: Architect on behalf of Mr Monamy
MN3/STATES	<i>Note by the States on the heritage status of Le Preference Children's Home</i>

L1 Lion Park, Les Chanolles Des Six Rues, St Lawrence

L1/COOK	Statement by Godel Architects on behalf of Mr S Cook
L1/FONDRE	Statement by Deputy Le Fondré

H5 Fields 1186A and 1189, & 1198 La Grande Route de St Jean, St Helier

H5/THORNE	Statement on 1198 by Peter Thorne
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B3 Tabor Park, La Route des Genets, St Brelade

B3/WEFAN	Statement by MS Planning on behalf of Wefan Development Ltd
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G1 Fauvic Nurseries, Grouville (Fields 508, 508A, 526, 526A, 521A)

G1/PAYN	Statement by MS Planning on behalf of Mr S Payn
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MN4 Field 41360, La Rue des Buttes, St Martin

MN4/STRONG	Statement by MS Planning on behalf of Mr Strong
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O1 Field 783, La Route de Millais, St Ouen

O1/PROUTEN	Statement by MS Planning on behalf of Mr C Prouten
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S2 Field 380, La Rue a la Dame, St Saviour

S2/NORMAN	Statement by MS Planning on behalf of Mr Norman
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B1 Field 139, La Petite Route des Mielles, St Brelade

B1/WHITE	Statement by Mr G White
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T2 Field 1404, Trinity

T2/BISSON	Statement by Mr G Bisson
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H6 Fields 1341 and 1341A, St Helier

H6/WILLIAMSON	Statement by C3D: Architect on behalf of Mr Williamson
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G3 The Grange & Field 730A, La Rue a Don, Grouville

G3/EVANS	Statement by MS Planning on behalf of Mrs F Evans
G3/EVANS/1	<i>Ecological SSI map of The Grange</i>

H1 Part Field 1219, Grande Route de Mont a l'Abbe, St Helier

H1/FURZER	Statement by MS Planning on behalf of Mr P Furzer
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H3 Field 1368, St Helier

H3/MCCAMMON	Statement by MS Planning on behalf of Mr R McCammon
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H4 Field 1551 Westmount Road, St Helier

H4/RONDEL	Statement by MS Planning on behalf of Mr R Rondel
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L2 Field 114, Le Passage, Carrefour Selous, St Lawrence

L2/COOK	Statement by MS Planning on behalf of Mr R Cook
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S1 Fields 341 & 342, Clos de la Pommeraie, La Rue de Deloraine, St Saviour

S1/HOCQUARD	Statement by MS Planning on behalf of Mr D Hocquard
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S3 Fields 741 & 742, New York Lane, St Saviour

S3/LLOYD	Statement by MS Planning on behalf of Mr & Mrs Lloyd
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S5 Field 836, Bagot Road, St Saviour

S5/LE MARQUAND	Statement by MS Planning on behalf of Mr Le Marquand
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T1 Field 1017a, La Rue du Moulin du Ponterrin, Trinity

T1/LE QUESNE	Statement by MS Planning on behalf of Mr Le Quesne
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H2 Field 1248, La Pouquelaye, St Helier

H2/WALTER	Statement by MS Planning on behalf of Walter Property
H2/HILTON	Statement by Deputy Hilton

Written Representations**MN1 Cornfields, Oxford House and Field 652A, La Ruelle de Faldouet, St Martin**

MN1/MAINDONALD	Written representation by KEPlanning on behalf of Mr Maindonald
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O2 Field 1037, La Rue de la Pendue, St Ouen

O2/LE QUESNE	Written representation by Mr P Le Quesne
O2/STATES	<i>Note and map regarding the location</i>