



**REPORT TO THE MINISTER FOR PLANNING AND
ENVIRONMENT**

by

Chris Shepley CBE BA DipTP MRTPI
Inspector

Alan Langton DipTP CEng MRTPI MICE MCIHT
Assistant Inspector

2011 Island Plan Interim Review

Further Examination in Public July 2014

Deputy Robert Duhamel
Minister for Planning and Environment
States of Jersey

10 July 2014

Dear Deputy Duhamel

Island Plan Interim Review Report

I am pleased, on behalf of the Assistant Inspector Mr Alan Langton and myself, to submit our report on the matters you asked us to address during the further Examination in Public (EiP) into certain of the amendments proposed by States Members to the Revised draft revision to the 2011 Island Plan.

I would like to record my gratitude once again to Mr Langton and to the Programme Officer Mrs Helen Wilson, without whom the event (which was inevitably arranged at quite short notice) could not have proceeded in the way that it did.

And once again I am grateful to those who submitted written representations and to those who took part in the EiP and enabled us to reach our conclusions based on a broad range of evidence and opinion. I should also mention officials, Mr Pilley and Mr Buchholz, who produced a great deal of essential material against very tight deadlines.

I hope you will find our report clear and useful, as you approach the States Assembly debate on the Island Plan Interim Review.

Thank you for the opportunity to Chair this Examination.

Yours sincerely



Chris Shepley

Introduction

1. The further Examination into the Island Plan Interim Review took place on 7 July 2014.
2. We conducted an examination of the then Island Plan Interim Review in January, when we considered a large number of written representations from interested parties, including many members of the public, and examined a substantial volume of research and background information. We held 2 weeks of public hearings, and visited a great many locations throughout the Island. Our report to the Minister was published by him on 20 February 2014. Some will agree with our conclusions and others will not. But we stand by them.
3. The Minister has lodged a Revised draft revision of the 2011 Island Plan (IP) to the States with a view to formal adoption and this will be debated by the States starting on 14 July. In response other States Members have lodged 11 separate amendments, some of which cover a number of points. In one case there has been a proposed further amendment by a States Member.
4. We were asked by the Minister to carry out an important but limited task. This was to examine those amendments which raised issues on which we had not examined and advised at the previous EiP. We had no remit to widen the scope of this further examination. Our task was to inform and advise the Minister, in advance of the States debate in July, solely on the amendments which give rise to considerations not previously explored.
5. The Minister clearly defined those matters on which he wished to receive our recommendations and we limited the debate strictly to those. We did not allow debate on the matters which the Minister had determined were not before us; nor did we permit parties to re-open matters on which we had previously reported.
6. At the further EiP we did not invite States Members (other than the Member who had put forward the relevant amendments) to take part. Many had done so in the earlier EiP, and we were grateful for their valuable input. However, in this case we saw the examination as an opportunity for those outside the States to put forward their views –

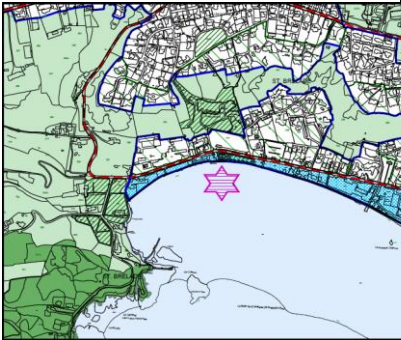
knowing that Members would have the opportunity to do so during the States debate. We received some 292 comments from 53 individuals and organisations. It is unfortunate that many of these were anonymous, and we commented on this in Chapter 6 of our earlier report. However we sought to invite a group of participants to the further EiP who represented a cross section of views, and commented on the matters before us from different and representative perspectives. As always we gave no less weight to those who expressed their views in writing than to those who appeared at the EiP.

7. This report needs to be considered alongside our previous report. A list of documents which we took into account, in addition to those we had previously, is to be found on the website www.gov.je/IslandPlanInterimReview1
8. A crucial set of information is to be found in the Minister's Initial Response to States Members' Amendments, Doc No CD8, which was published on 24 June 2014 and is to be found at <http://www.gov.je/Government/Consultations/Pages/2011IslandPlanReview-1.aspx>
9. One of the points we made in our 2011 report was that "...we don't claim infallibility; but we do claim objectivity". We urge States Members to respect, if not us, then at least the process which, to his credit, the Minister has put in place – which may well be as uncomfortable for him as for any other Member. We hope that Members will understand, where we have made recommendations which we know some will dislike, that we have done so after careful thought and because we believe these are right in all the circumstances.

Format of this report

10. We have responded below, fairly briefly, to each of the amendments we were asked to consider. The brevity of the report is, we hope, helpful to Members, but we stress again that we have considered in detail all the written and oral representations we received.

Amendments considered at the Further Examination in Public

No.	Section / Policy	Minister's Summary of Amendment	Minister's initial response	Inspectors' Conclusions & Recommendations
6th Amendment (P.37/2014)	Shoreline Zone policy BE4	<p>Amendment from Deputy John Young of St Brelade</p> <p>Change the Shoreline Zone preamble and policy (Policy BE4), as it relates to St Brelade's Bay only, to insert two objective policy tests which seek to ensure that:</p> <ul style="list-style-type: none"> the redevelopment of buildings is no larger than existing; and extensions to buildings remain subservient. 	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>The existing 2011 Island Plan already provides a sufficiently robust planning policy regime to deal with planning applications for new development in St Brelade's Bay and no additional policy amendment is required to deal with current and/or emergent development applications.</p> <p>An outline of the existing planning policy provision is set out below in so far as it relates to:</p> <p>The wooded slopes of the bay which are predominantly included in the Green Zone and Policy NE7 which:</p> <ul style="list-style-type: none"> provides a high level of protection from development; assesses any development that might be permitted for its impact on landscape character. <p>The important open spaces, including Winston Churchill Memorial Park; the churchyard of the Parish Church; and the Esplanade Gardens are subject to Policy SCO4: Protected open space which states that:</p> <ul style="list-style-type: none"> the loss of open space will not be permitted except where alternative provision is made. <p>The remainder of the bay is defined as Built-up Area which benefits from the general presumption in favour of development, but where any such development is still subject to robust policy considerations which would be applied to development proposals that affect this coastal setting, including, in particular</p> <ul style="list-style-type: none"> Policy GD1: General development 2.(c), which protects the character of the coast and the countryside; Policy GD5: Skyline, views and vistas, which protects skyline, strategic views, important vistas, including views along and from coastline and sea; and Policy GD7: Design quality, which deals with matters related to detailed design including the scale, form, massing, orientation, siting, density of development, and inward and outward views; and the relationship to existing buildings, settlement form and character, 	<p>Recommendation: that the Minister does not change the shoreline policy (BE4) and preamble in the way proposed.</p> <p>We are very clear having heard the arguments, that the policy change proposed in this amendment (and the explanatory paragraphs which precede it), would be inappropriate and may have unintended and perverse consequences (see below). It is important to protect the precious environment of the Bay, but also to nurture and support the important businesses which operate there. By the urgent preparation of the proposed Supplementary Planning Guidance we believe this can be achieved quickly, in a way which is appropriate to the specific issues and problems of the Bay area, without unintended consequences. We recommend that with the co-operation of the local community the Minister should commit himself to making rapid progress with the SPG.</p> <p><i>Reasons</i></p> <p>There is no dispute that St Brelade's Bay is a particularly important and attractive part of the Island. As a number of respondents pointed out, it has been extensively developed – some said overdeveloped – over many years. It is an important component of the tourism industry.</p> <p>In written representations many supported the amendment. But It is important also to note the views of those who run businesses in St Brelade, who were concerned that expansion and improvement could be inhibited.</p> <p>At the further EiP we considered the amendment itself in some detail. It covers just</p>

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			<p>topography, landscape features and wider landscape setting.</p> <p>In addition to these general policy considerations within the Built-up Area, the 2011 Island Plan already recognises the landscape characteristics along the foot of the scarp slope and along Mont Gras D'Eau in St Brelade's Bay where Policy BE3: Green backdrop zone protects landscape features and settings.</p> <p>And the final part of the policy framework specifically benefitting that part of the bay to the south of Mont Sohier and La Route de la Baie is Policy BE4: Shoreline zone which:</p> <ul style="list-style-type: none"> • protects significant public views to sea/ beach • protects open space important for views; and • protects public access to shoreline <p>On the basis of the above, the Minister is of the view that there already exists a sufficiently robust policy framework to deal with planning applications in the bay, including those that might be focussed on some of the tourism 'legacy' buildings and uses that sit in the visually prominent Shoreline zone along the beach front. This includes those developments that seek to intensify the extent of development on a site.</p> <p>The Minister acknowledges that Proposal 14: Local Development Plans of the 2011 Island Plan sets out a proposal to develop some supplementary planning guidance for the bay to ensure that development is sympathetic to its context. The Minister considers that this is desirable but not essential particularly when the landscape character and setting of the bay is already appropriately protected by landscape policies (NE6: CNP and NE7: Green Zone) and where a superficial and cursory appraisal of the urban character of the built-up area of the bay might describe it as 'varied'.</p> <p>The Minister remains willing to explore the preparation of any such guidance but to do so he requires the support and commitment of the local community together with sufficient resources to ensure delivery. This is particularly important at the outset to ensure that the expectation of what might be delivered is clearly understood, particularly when it must sit within and be consistent with the existing Island Plan policy framework.</p>	<p>the defined Shoreline Zone – a relatively narrow and limited area which includes important parts of the seafront alongside the beach but not the whole of it (areas to the east are excluded). The Shoreline Zone forms a part of the much more extensive Built Up Area in St Brelade. Within the zone (leaving aside a Protected Open Space) are several large hotels, a small number of residential properties, and a variety of other buildings – cafes, restaurants etc - mainly single storey or two storey. Some of these buildings could not in our view be regarded as attractive assets.</p> <p>Members should note, simply as a matter of fact, that the amendment would not cover extensions or alterations to commercial properties of any kind, including the hotels and also the variety of other commercial buildings (though obviously such changes would be covered by other policies in the Plan). It would cover the eventuality of commercial properties being demolished and replaced; but not the possibility of applications to alter or extend.</p> <p>The amendment would however deal with extensions to the small number of residential properties inside the zone.</p> <p>At the EiP two issues predominated. First was the undoubted need to protect the beauty of the Bay, one of Jersey's greatest assets. Though this was undisputed, there were differing thoughts as to how this might be done, with some arguing that the Bay might actually be enhanced by redevelopment of some of the buildings around the seafront, while others were concerned that such changes could alter the character of the Bay, especially if buildings on a larger scale were to be permitted. We fully understand the importance of this; while we feel that references to Dubai were somewhat fanciful in the St Brelade context, we do appreciate the dangers of over-development.</p>

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			<p>In this respect, the Minister must express some disappointment that whilst the amendment to include this proposal in the Plan was sponsored by local St Brelade's representatives, the initial enthusiasm to pursue it has not been sustained at a local level post-adoption and only now, appears to have been re-awakened in the context of specific development proposals and the sale of land in the bay. The Minister welcomes the resurrection of a local group and remains willing to engage with it.</p> <p>Similarly, the Minister would wish to explore, with local representatives, the scope of any such guidance and the resources required, necessary and available to enable delivery, from both parties. It is relevant to note that the 2011 Island Plan is a ten year plan and, whilst desirable, the preparation of guidance for St Brelade's Bay has not and would not be afforded the priority that other post-Plan adoption work related to the provision of affordable homes and the revision of other key supplementary guidance, such as housing standards, would attract, and would require appropriate prioritisation.</p> <p>It is also relevant to note that other calls to review other aspects of the Plan, such as those set out in P.71/2013, have an impact on the ability of the department to deliver Island Plan proposals; and that the widening of amendments to revise the Plan only serves to erode the officer and financial resources to deliver other, potentially more constructive, work.</p>	<p>But we do not feel that it would be appropriate to rule out redevelopment altogether, or unduly to restrict the possibilities.</p> <p>The second concerned the tourism economy and the need for the hotels in particular to have the freedom to move with the times, to expand and develop, and not to be inhibited from so doing by over-restrictive policies. Investment, it was said, might involve extra bedrooms or the addition of facilities such as spas and fitness centres which visitors now expect. Members will appreciate the importance of this in a context where, we were told, the States is seeking to expand the tourism industry.</p> <p>A further issue which emerged during the debate was that very severe limitations on hotels could actually have unintended and perverse consequences. It was argued that, if hotels could not be improved, this might lead to decline and even closure over the years, and make their replacement by other uses such as housing more likely. The value of the land could be reduced and loans and assistance for development could be less readily available. This would be to the detriment of the tourism industry.</p> <p>The Minister points out that there are various relevant policies in existence, which he lists in his response. The Shoreline Zone, along with the rest of St Brelade, is, unsurprisingly, defined as part of the Built Up Area – which plainly and as matter of fact it is. Policies such as those he lists provide protection for the Bay. Notwithstanding local views about the rights and wrongs of individual decisions, we accept the view of the Minister that the present policies are “robust”, and enable Planning Officers and Planning Applications Panel members adequately to balance economic and environmental factors in decision making.</p>

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				<p>The policy proposed by Deputy Young is derived from that covering the Coastal National Park. While we can understand that the restrictive policies in the CNP around St Brelade may be thought to add to the pressure on the Bay area, we also note that there have been restrictive policies in place for some time in the adjacent areas (eg in the 2002 IP, 1999 St Ouen's Bay Planning Framework and preceding planning policies). It is not clear that their incorporation into a CNP will significantly increase development pressure on St Brelade's Bay. It must be questionable whether such deliberately restrictive policies, designed for the more remote rural areas, are appropriate for the developed shoreline, however attractive, where important and thriving businesses are operating and need support. Such policies are however appropriate for the headlands which form an important part of the outstanding character of the Bay.</p> <p>It is a matter of great regret that the Supplementary Planning Guidance proposed for the area in Proposal 14 has not progressed. We note the Minister's thoughts on the reasons for this. It does need local support, and the Minister's view regarding the lack of such support until recently was not disputed at the further EiP. It seems, however, that there is now a willingness locally to get involved (but as the Minister accepted the process needs to be professionally led).</p> <p>Deputy Young suggested that his proposal might be a temporary one, which, once the SPG was in place, could be removed from the Plan. The Minister argued that this would not be a simple procedure, and we accept that view. It would require formal processes akin to those currently in train.</p> <p>It is clear to us that the right way to proceed here is to complete, as a matter of some</p>

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				urgency, the proposed supplementary planning guidance. This, we were told, could be completed within about twelve months. The Minister should give priority to it, and local residents and businesses need to engage proactively with it. This would have the advantages both of providing a more sophisticated and relevant policy framework based on specific local circumstances; and also avoiding the permanent imposition of a policy which we consider inappropriate and which might have perverse consequences.
9th Amendment (P.37/2014) Part (a)	General Development policy GD1	Amendment from Deputy John Young Change scope of policy from: Does not 'seriously harm' the amenities of neighbouring properties' to; Does not 'materially harm' the amenities of neighbouring properties'.	The Minister is <u>not minded</u> to support this amendment. Whilst appearing to be a relatively minor amendment, this proposed change, if adopted, has hugely significant implications and cannot be supported. It centres around the extent to which new development has an impact on neighbouring properties and the test used to determine whether or not the impact of such development is acceptable. The proposed amendment seeks to reduce the level of this test to such a low level that it would effectively render much development anywhere in the Island, but particularly the Built-up Area, extremely difficult to achieve. This could have seriously adverse implications for one of the key strategic principles of the Island Plan which is to ensure that the Island meets most of its development needs from within the Built-up Area. The test of 'material harm', proposed in this amendment is a very low and almost benign one: it could be argued that almost any development will cause some harm to the amenities of neighbouring properties. The Island Plan confers a presumption in favour of most forms of development within the Built-up Area and, together with the reasonable expectation of householders and businesses, there is considered to be a general expectation that development will happen here. Even in the countryside and along the coast there will be an expectation of some limited forms of	Recommendation: that the Minister does not accept this proposal, but puts forward a further amendment such that the relevant component of Policy GD1 would read: Policy GD1 General development considerations Development proposals will not be permitted unless the following criteria are met such that the proposed development; 3. does not <i>unreasonably harm the amenities of neighbouring uses, including the living conditions for nearby residents, and should, in particular;</i> a. not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy; b. not unreasonably affect the level of light to buildings and land that owners and occupiers might expect to enjoy; (The amendment we recommend is shown above in italics. The current version is shown below in the adjacent column towards the foot of the Minister's initial responses)

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			<p>development, and planning policy seeks to provide for this to some extent here also.</p> <p>It cannot be right, therefore, that the test to assess whether any development should be permitted here is whether it causes any harm or not: this is far too low a threshold.</p> <p>The test has to be whether or not the extent of that harm is such that it would have an unreasonable impact upon neighbouring properties. In other words, the test has to be a qualified one and, in the view of the Minister, it has to cause serious harm for a development proposal to be considered unacceptable. This principle has already been tested in the Island's Royal Court in a number of its judgements.</p> <p>30 <i>It seems inevitable to us that any development within the built-up area will harm the amenities of neighbours to some extent, but in our view the harm to the amenities of the neighbouring properties...cannot be regarded as serious.</i></p> <p><i>Moody vs Minister for Planning and Environment [2012]JRC213</i></p> <p>25. <i>Being situated in the built-up area, and pursuant to Policy H6, the applicant has a reasonable expectation that he can extend his property for ancillary domestic purposes and the appellant has a reasonable expectation that her amenities will not be unreasonably harmed....It is not realistic to expect that development will be denied planning permission where its impact is modest, particularly in the built-up area, where properties are relatively close together.</i></p> <p><i>Warren vs Minister for Planning and Environment [2013]JRC045</i></p> <p>The existing Island Plan, whilst seeking to meet development needs and provide for the reasonable expectations of homes and businesses, also seeks to protect neighbours from the most adverse consequences of development proposals which, after all, is one of the primary purposes of the planning process. Specifically, Policy GD1 provides for this using the following tests, which have been found to be robust policy tools upon appeal:</p>	<p><i>Reasons</i></p> <p>"Material" is a well-established planning concept that simply means <i>any</i> issue to be taken into account when deciding on a planning application. (An immaterial consideration is one that must not be taken into account.) "Materially harm" would mean any impact relevant to planning that might be held to affect neighbours' living conditions adversely, or the amenity at nearby non-residential properties, even in the most minor degree and regardless of any other consideration. Decision makers would be bound to have regard to this. It could also lead, for example, to perfectly acceptable residential extensions, not opposed by neighbours, being found contrary to the policy because, objectively assessed, the outcome would cause, say, even very limited overshadowing, hemming in of outlook or increased overlooking. The impending merits based appeals system would not provide a remedy since it too would be subject to the amended policy. In short, this seemingly simple rewording of Policy GD1 would risk substantial difficulties in the determination of applications, perhaps negating reasonable expectations on the part of applicants, and we could foresee legal challenge. There is also a danger that it would become more difficult to achieve development within the Built Up Area, where the strategy and plan propose that most should take place. Such restrictions should not be introduced in response to individual dislikes of some particular developments.</p> <p>We find no reason to question the Royal Court judgements cited by the Minister, to the effect that some impact on neighbours from development proposals is pretty well inevitable, particularly in built up localities. The issue should be one of degree.</p>

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			<p>Policy GD1 General development considerations Development proposals will not be permitted unless the following criteria are met such that the proposed development;</p> <p>3. does not seriously harm the amenities of neighbouring uses and should, in particular;</p> <p>a. not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy;</p> <p>b. not unreasonably affect the level of light to buildings and land that owners and occupiers might expect to enjoy;</p> <p>On the basis of the above, the Minister will seek to strongly resist this proposed amendment.</p>	<p>Submissions during the current EiP have, however, led us to conclude that the term "seriously harm" may be giving rise to misconceptions that developments must be permitted when "they are not harmful enough" or when they <i>do</i> cause some limited harm, though not sufficient to warrant refusal. We have not the slightest doubt that this misinterprets the policy, as written and as applied in practice. As the Royal Court has recognised it is intended to facilitate developments that, while they may be unwelcome to neighbours, would not cause them unreasonable adverse impacts. This is a balancing exercise crucial to the determination of many planning applications, particularly in built up areas.</p> <p>The sub sections a. and b. to part 3 of the Policy more clearly and consistently reflect this correct approach than does its head paragraph. The effect of our suggested change, which makes use of the idea of "unreasonableness", as suggested during the debate, is set out in our recommendations above.</p>
<p>9th Amendment (P.37/2014) Part (c)</p>	<p>Density policy GD3 & Proposal</p>	<p>Amendment from Deputy John Young</p> <p>Change scope of policy from requiring that, for residential development:</p> <p>'the highest reasonable density is achieved' to;</p> <p>'an appropriate reasonable density is achieved'.</p> <p>And, adding a Proposal to the Plan requiring that supplementary planning guidance, which defines the character and sets limits on</p>	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>Whilst appearing to be a relatively minor amendment, this proposed change, if adopted, has hugely significant implications and cannot be supported.</p> <p>It centres around the extent to which the density of development in the Built-up Area can be optimised to ensure that one of the key strategic principles of the 2011 Island Plan – which is that most of the Island's development needs should be met from its urban areas – is achieved.</p> <p>It is also considered worth noting that this objective also features in the States Strategic Plan, as follows:</p> <p><i>"Balancing the social and economic need for development and infrastructure with an increasing and ageing population and the natural environment, using the 'reduce, manage and invest' framework will continue. In particular,</i></p>	<p>Recommendations: that the Minister makes no change to Policy GD3 and does not introduce a Proposal to the Plan committing him to produce Supplementary Planning Guidance for each Built Up Area.</p> <p>The policy does not require the "highest possible density but only the "highest reasonable"; any reduction of density levels in the Built Up Area would mean either fewer homes being provided or the need to provide more housing in the rural areas, both contrary to IP strategy and to the States Strategic Plan.</p> <p><i>Reasons</i></p> <p>There is little that needs adding to the Minister's full and cogent response, with which</p>

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		<p>the types and densities of development, is developed for all of the built-up area.</p>	<p><i>maintaining and enforcing good spatial planning underpins this objective. For example, meeting most of the Island's development needs from within the existing urban area reduces the need to travel, provides more sustainable travel choices whilst enabling the regeneration of the urban environment and protection of the countryside</i></p> <p>If this amendment is adopted it has the potential to seriously undermine this strategic objective and would ultimately result in the loss of yet more of the Island's coast and countryside to meet the Island's need for development. Crudely stated, the less development delivered on already-developed land means that more will need to be provided on greenfield land, along the coast and in the countryside.</p> <p>The proposed amendment itself is considered to be ill-founded and unnecessary.</p> <p>The key premise of the amendment is that the existing Island Plan fails to differentiate between the characteristics of the Island's many and varied urban environments and it seeks to secure a uniformly high density of residential development throughout all of Jersey's built-up areas. This is both ill-founded and wrong, as a consequence of which, the proposed amendment is unnecessary.</p> <p>It is ill-founded and wrong because the Island Plan clearly sets out to differentiate the capacity of different parts of the Island's urban environment to accommodate new development; and it also clearly states that the context of new development – specifically its urban character – is a key material consideration in decision-making.</p> <p>The spatial strategy of the Island Plan clearly differentiates between the different types of urban area in Jersey, and their capacity to accommodate different levels of development to meet the Island's development needs. The Plan sets out a clear hierarchy to its settlement pattern and states that the capacity of each to accommodate development will generally decrease as you progress in sequence down through the hierarchy. There is thus no 'blanket approach' to the application of a uniformly high level of density throughout the Island.</p>	<p>we agree in every particular. Three points need highlighting:</p> <ol style="list-style-type: none"> 1. The extant Policy GD3 does not call for the "highest possible" density or even the "highest practicable", but for the "highest reasonable". 2. The Island Plan does not fail to distinguish between different Built Up Areas. Quite the contrary, it identifies a Settlement Hierarchy that distinguishes between the approaches to be taken to development. 3. After some debate, Deputy Young agreed that, as a matter of inescapable logic, lower density residential developments within the defined Built Up Areas must result either in fewer much needed new homes (including affordable provision) or to increased take up of land outside the Built Up Areas, in the Island's countryside. Either of these alternatives would be directly contrary to the Plan's strategic aims, which are in turn founded on the States Strategic Plan. <p>The Island Plan is a tool to guide applications and discretionary decision making. In a small Island, with competing calls on a finite and limited land supply, Policy GD3 provides a desirable policy approach. What constitutes the highest reasonable density will vary from one application to another - there is no general numerical target – guided by the range of safeguarding provisions in the Plan as indicated by the Minister.</p> <p>The second part of Amendment 9(c) would commit the Minister to preparing Supplementary Planning Guidance (SPG) for each of the Island's Built Up Areas as defined by the Island Plan. The Minister's response rightly refers to provisions that can already require applicants to submit contextual assessments with applications, now increasingly including 3D modelling. These will normally extend only to a locality, rather than</p>

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			<p>Relevant extracts from the 2011 Island Plan (<i>emphasis added</i>)</p> <p>p.15 <i>'...the spatial strategy of the Island Plan is based on the following hierarchical sequence of principles:</i></p> <ul style="list-style-type: none"> • <i>Development within the main Built-up Area of the Town of St Helier (2);</i> • <i>Development within the Built-up Area outside the Town of St Helier, including those parts of the Island's urban environment identified and defined in the hierarchy of settlements and defined on the Proposals Maps;</i> • <i>Development of brownfield land outside the Built-up Area, to meet an identified need and where it is appropriate to do so;</i> • <i>In exceptional circumstances, the development of land outside the Built-up Area to support the rural economy or parish communities, to meet an identified need and where it is appropriate to do so.</i> <p>p. 16 Town of St. Helier</p> <p><i>....Owing to the range of services and amenities already available within the town, and the potential to reduce the need to travel, or at least to travel by private car, it offers the greatest potential to meet most of the Island's development needs...</i></p> <p>p.17 Other Built-up areas</p> <p><i>The remainder of the Island's Built-up Area outside of St Helier, as defined on the Proposals Map, has an important contribution to make to meet Jersey's development needs whilst also sustaining the social fabric of local communities and, in particular, parochial identity and vitality. Whilst less capable of accommodating the same volume of development as the Town of St Helier, the other Built-up Areas of the Island have a contribution to make in meeting housing needs, in particular, and in providing different types of accommodation and development that might not be capable of being provided on more densely developed town sites. The capacity of other Built-up Areas to accommodate new development will generally decrease down the settlement hierarchy.</i></p>	<p>an entire settlement, but even so the requirement not only aids the Planning Authority and those commenting on an application, but is also likely to require applicants and their agents themselves to address the context of proposals from the outset.</p> <p>The SPG being called for is that "which defines the character and sets limits on the types and densities of development" for all of the Built Up Areas". This would be well-nigh impossible in isolation from a more rounded assessment of the settlement in question, having regard also to such issues as transport, infrastructure and public services. And the negative approach of solely setting limits on the types and densities of development ignores the important role of planning to facilitate essential development, which indisputably includes additional housing, especially affordable provision.</p> <p>We find no reason to question the Minister's understandable concerns regarding the cost and impracticality of what is being suggested. He cites the excellent work undertaken to produce the St Helier Urban Character Appraisal, to which we might add the problems evident in progressing just a number of Village Plans. Furthermore, we propose above that SPG for St Brelade should be prepared urgently, but the fact that this has taken a long time and that community buy-in has not been easily obtained, provides an indication of the problems which may ensue if this amendment were accepted.</p>

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			<p>p.18 (settlement hierarchy map)</p> <p>The Island Plan also clearly states, in many places, that development must have regard to its context and, therefore, must consider its impact upon and relationship with the immediate local character of the area. The premise of the proposed amendment – that the existing policy framework makes no concession to the varied characteristics of the Built-up Area – is thus wholly without foundation and wrong, as the following extracts demonstrate:</p> <p>Relevant extracts from the 2011 Island Plan (emphasis added)</p> <p>p.31 <i>2.50 The Minister for Planning and Environment is determined to significantly raise the standard of building design in Jersey and to champion high quality design and good architecture. The emphasis must be on quality and encouragement will be given to traditionally designed schemes or modern interpretations of traditional forms, provided that they are of the highest standard, where they respect their context and where they can demonstrate their local relevance to Jersey. The use of either traditional or more innovative forms of modern architecture of the highest quality will be encouraged in locations where the setting and context are appropriate, and where areas of particular quality or local character will not be damaged but may be enhanced.</i></p> <p>Policy SP7</p> <p>Better by design</p> <p><i>All development must be of high design quality that maintains and enhances the character and appearance of the area of Jersey in which it is located.</i></p> <p><i>The various components of development, including:</i></p> <ul style="list-style-type: none"> • <i>layout and form;</i> • <i>elevational treatment and appearance</i> • <i>density and mix</i> • <i>scale: height and massing</i> • <i>external elements, and landscaping; and</i> 	

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			<ul style="list-style-type: none"> • <i>architectural detail and materials will be assessed to ensure that the development proposed makes a positive contribution to the following urban design objectives:</i> • local character and sense of place • <i>continuity and enclosure</i> • <i>quality of the public realm</i> • <i>ease of movement and permeability</i> • <i>legibility</i> • <i>adaptability</i> • <i>diversity</i> • <i>safety by design</i> <p><i>Applications must, where appropriate, be accompanied by a Design Statement to demonstrate and explain how the principles of good design have been incorporated into the development proposal.</i></p> <p>Policy SP7 provides the strategic context for other more detailed policy considerations to assess the impact of development upon the local character of an area. This is thus subsequently set out in the Plan at Objective GD1 (5) (p.33); Policy GD1 (2.c) (P.36); and Policy GD7: Design quality (p.48).</p> <p>All of these policy requirements to satisfactorily assess the impact and relationship of new development with its context amount to 'good design', which is also given explicit reference in Policy GD3: Density itself, whereby it provides a qualification to seeking to secure the highest reasonable density of development.</p> <p><i>p.40 Policy GD3: Density of development</i></p> <p><i>...the Minister for Planning and Environment will require that the highest reasonable density is achieved for all developments, commensurate with good design, adequate amenity space and parking (bearing in mind the potential for reducing the need for car ownership by the creation of carpooling schemes and other methods) and without unreasonable impact on adjoining properties.</i></p> <p>The requirement to have regard to the impact of the highest density upon the character of the area is, therefore, already</p>	

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			<p>implicitly contained within the policy thus further rendering the proposed amendment superfluous.</p> <p>The proposer states that the current policy is causing social division but provides little amplification of the form of this social division and/or evidence to substantiate it. It is suggested that any such 'social division' amounts to disquiet amongst those residents of low density, suburban St. Brelade disgruntled at the outcome of individual planning applications where densities have been raised (but still remain comparatively low).</p> <p>The provision of homes in sustainable locations within the Island's built-up areas is seeking to address the real social divisions in the Island that exist between those who are more than adequately housed and those who are not, which is what the Island Plan's spatial and housing strategies seeks to address.</p> <p>Finally, the proposed amendment seeks to introduce a proposal requiring the Minister to develop supplementary planning guidance for all of the Island's built-up area, essentially in the form of a character appraisal, including limits on the type and density of development.</p> <p>This proposal is considered to be somewhat misplaced and aspirational.</p> <p>It is misplaced because the onus of requiring an assessment of development proposals upon the character of an area should be placed on the developer, in accord with the 'polluter pays' principle. It is a requirement of Design Statements, which are often required to be supported by contextual drawings and 3D models, that the relationship of development proposals to the surrounding area is clearly shown, explained and justified: these are integral elements of planning applications and are required to be provided by applicants.</p> <p>Secondly, this proposal is considered to be somewhat aspirational. The Department of the Environment has limited resources - of both professional staff and funding - and, thus, needs to prioritise their application over the Plan period.</p> <p>The Department of the Environment has, in the past, scoped and commissioned work to develop supplementary planning guidance defining the urban character of St. Helier (in 2005 - just within and around the Ring Road): this cost approximately £45,000 and 18 months to produce. The time and resource required - of both civil servants and consultants - to produce</p>	

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			<p>character appraisals for all of the Island's built-up area would, therefore, it is suggested, take far in excess of the £100,000 suggested in the proposed amendment.</p>	
<p>9th Amendment (P.37/2014) Part (d)</p>	<p>Skyline, Views and Vistas policy GD5</p>	<p>Amendment by Deputy John Young Amend Policy GD5 - Skyline, Views and Vistas to replace the word " <i>seriously</i> " with " <i>materially</i>"</p>	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>This amendment is similar to that at part (a) of the amendment and seeks a similar outcome, which is to lower the threshold against which the impact of development ought to be assessed.</p> <p>For the same reasons outlined in his response to part (a) the Minister considers the proposed amendment to be unacceptable, albeit that the effect of adopting this amendment would be less significant as it would only affect that development which impacts upon skylines, views and vistas.</p> <p>The Minister believes, however, that for development to be deemed to be unacceptable, the threshold should be where it causes a seriously detrimental impact rather than just a materially detrimental impact.</p>	<p>Recommendation: that the Minister makes no change to Policy GD5.</p> <p><i>Reasons</i></p> <p>This amendment is similar to 9(a) in seeking to change the threshold for unacceptable detriment from "seriously" to "materially". As above, and for similar reasons, we have no hesitation in recommending against reliance on the word "materially". Bearing in mind again the concept of what is "material" in planning terms, Policy GD5 as sought would oppose any proposal that could be held to have even a slight detrimental impact on a skyline, strategic view, important vista or the setting of a landmark or Listed building or place.</p> <p>If anything, we consider that the Minister's response understates the problems, which would substantially inhibit otherwise desirable development. At risk of repetition, there are numerous safeguards in the Island Plan against unduly harmful development.</p> <p>In this case, we find no reason not to retain the word "seriously" as the threshold, since the impacts in question concern the public realm rather than specific individuals. This, we believe, makes it easier for all concerned to appreciate that "seriously detrimental" simply recognises the reality that many developments might have slight, or even modest, impacts that are insufficient to warrant refusing planning permission, at least on these grounds. As always individual decisions are a matter of balance made in the overall public interest.</p>
<p>9th Amendment (P.37/2014) Part (e)</p>	<p>Percent for Art policy GD8</p>	<p>Amendment from Deputy John Young Change scope of policy from public art to include</p>	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>This amendment seeks to undermine the delivery of States approved strategy and is also entirely superfluous.</p>	<p>Recommendation – that the Minister makes no change to Policy GD8, Percentage for art.</p>

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		<p>environmental and community purposes.</p>	<p>The States approved the Island's Cultural Strategy in 2005, an objective of which is to foster and encourage public art. The planning system can make a significant contribution to this by encouraging developers to fund, commission and deliver their own Percent for Art projects to enrich their own developments and to enhance the public realm.</p> <p>A percent for art policy – which is based on an entirely voluntary principle – has been included in successive 2002 and 2011 Island Plans, and has delivered a number of public art projects which have enhanced the public realm.</p> <p>To ensure that the provision of public art delivered through the planning system has a greater local relevance, the Minister has been working in partnership with the Minister for Education, Sport and Culture, to revise and issue new supplementary planning guidance. This, it is considered, will address many of the issues raised about the appropriateness of the public art delivered as part of development projects through the public art policy Policy GD8.</p> <p>The Island Plan policy to encourage the voluntary provision of public art should, therefore, remain unaltered, in order that it can continue to support the objectives of the States Cultural Strategy.</p> <p>The retention of an unchanged Percent for Art (Policy GD8) and the delivery of other community and/or environmental benefits as part of a development project are not mutually exclusive objectives: and the 2011 Island Plan already has a policy framework that enables this to happen. Because of this, the proposed amendment is entirely superfluous.</p> <p>Policy GD4: Planning obligations already provides the Minister with an ability to ensure that additional infrastructure, amenities and/or financial contributions are made to offset the impact of development upon a locality. This can take many forms, and can include the provision of environmental and/or community facilities.</p> <p><i>1.18 ...Development can also, however, place a burden or cost onto the community as a result of the demands that it might generate or create as a result of its implementation. Planning obligations are a tool that is available as part of the planning system to ensure that the potential for these costs to the community as a result</i></p>	<p>This proposed amendment is unnecessary and potentially damaging. Policy GD4 makes adequate provision for environmental and community facilities. Any contributions via GD8 must be strictly related to the site concerned and cannot be used to meet wider aspirations. Even if sometimes controversial, the policy has produced and will continue to produce substantial benefits. There is a severe danger that amending the policy could mean that there would be little or no public art in the future. The policy is part of the States Cultural Strategy; its products should have local relevance (as the Minister intends), and involve local artists and craftspeople. The Supplementary Planning Guidance should be reviewed to clarify the scope and operation of the policy, but there are compelling reasons to retain the policy itself in its current form.</p> <p><i>Reasons</i></p> <p>The policy on percentage for art is a long standing one and has produced results which are evident when travelling around Jersey. It is clear that it is voluntary and that it is applied flexibly (as it should be). It is part of the States' approved cultural strategy.</p> <p>It is inevitable that not all of the fruits of this policy will be appealing to all of those who view them, and this point was made in Deputy Young's report and in written representations. But it is equally inevitable that they will be attractive to very many people and that they will add to the Island's vitality and indirectly to its attractiveness to economic activity. Therefore we do not see matters of personal taste as determinative here; in all cultural strategies different responses will be provoked among the public; an aspiration to please all of</p>

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			<p><i>of new development are avoided, where it is reasonable and appropriate to do so.</i></p> <p>1.20 ... <i>Their appropriate use can ensure that development proposals provide the necessary infrastructure and facilities which are required as a direct consequence of the development, or will meet or contribute towards the costs of providing such facilities in the near future, and can help to ensure that planning objectives are delivered.</i></p> <p><i>Page 41, Island Plan 2011</i></p> <p>The scope of this policy is broad and emphasis is currently given to the provision of physical infrastructure. The Minister is proposing to revise the supplementary planning guidance which supports this policy and is entirely willing to give greater emphasis to the provision of environmental and community infrastructure and services as part of this revision.</p>	<p>the people all of the time is unachievable and arguably undesirable.</p> <p>Crucial in this debate is the relationship between the percentage for art policy (GD8) and policy GD4 on planning obligations which the Minister quotes in his response. It is GD4 which provides for community and environmental benefits, and it is widely used for a range of purposes. GD8 is much more limited, both in its scope and the likely financial contribution which may be made. <i>Members should not take the view that GD8 provides a pot of money which can be used to assist with a "wish list" of other desirable schemes.</i> Both GD4 and GD8 must be applied to matters which are related to the development. If these are community/environmental benefits they should be applied via GD4. GD8 serves a different purpose. There is no reason why the two aspirations should not live side by side, as they do in many jurisdictions; and there is a danger that by amending the policy the provision of public art would slow down or cease altogether.</p> <p>Mr McLoughlin from the Education, Sport and Culture Department, at the further EiP, provided a full account of the benefits of policy GD8. He stressed the value of working with local artists and craftspeople, and said that the policy was intended to provide works of art with local resonance and relevance.</p> <p>The debate considered at some length, not so much the principle of providing artworks (which most participants supported) but the management and scope of the scheme. Although there is supplementary planning guidance there was some uncertainty about how it was operated, and particularly whether and how the policy could be used to provide for</p>

No.	Section / Policy	Minister's Summary of Amendment	Minister's initial response	Inspectors' Conclusions & Recommendations
				<p>non-art-related facilities such as training (which had apparently been provided in one case).</p> <p>The Minister indicated that he intends that the SPG should be revised, and we think that this is the way forward. It should enable the scope and management of the scheme to be clarified. But we do not believe that the policy itself should be changed and we accept the view, which was expressed at the further EiP, that such a revision might mean in due course that little or no public art would be provided in Jersey.</p> <p>On the basis of what we have heard, read and seen, we think this amendment would be unfortunate, unnecessary, and contrary to other established States strategies.</p>
10th Amendment (P.37/2014) Parts (a) and (b)	Sustainable Development Policy SP1	Amendment from Deputy John Young Change pre-amble to highlight the varied characteristics of the Island's built-up areas and adding a Proposal to the Plan requiring that supplementary planning guidance, which defines the character and sets limits on the types and densities of development, is developed for all of the built-up area.	The Minister is <u>not minded</u> to support this amendment. This amendment has the same effect as the second part of amendment 9(c) to which the Minister has already set out his response (above).	Recommendation: that the Minister does not accept this proposal. <i>Reasons</i> Amendment 10(a) and (b) essentially restates the latter part of Amendment 9(c) in the context of Policy SP1 rather than GD3. The issues are the same as we addressed previously and we reach the same conclusions.
10th Amendment (P.37/2014) Part (c)	Conservation Areas Proposal 8	Amendment from Deputy John Young Proposes completion of the identification and designation of all Conservation Areas in the Island by the end of Plan period	The Minister is <u>not minded</u> to support this amendment. Whilst the Minister remains committed to delivering Conservation Areas in Jersey, as already set out in the 2011 Island Plan, it is not considered to be practical or realistic to complete this by the end of the current Island Plan period, for the reasons set out below. Before these reasons are elaborated upon, it is considered worth stating that the Minister remains entirely open to the prioritisation of those areas of the Island which might be first considered for Conservation Area status. In this respect, it is	Recommendation: that the Minister does not accept this proposal. But that the Minister puts forward a further amendment to the effect that "The Minister will complete the identification and designation of a minimum of three Conservation Areas throughout the Island during the Plan period, relative to their assessment against published criteria and will adopt these through the publication of Supplementary

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			<p>suggested that efforts are most likely to be initially focussed on those areas of historic character which are the subject of most development pressure, which would thus likely include St Helier, St Aubin and Gorey.</p> <p>The first challenge to progress Conservation Area designation is the lack of a definitive statutory basis to do so: the Planning and Building (Jersey) Law 2002 does not specifically include any provision for the Minister to so designate these areas.</p> <p>Whilst it is probable that the Minister could progress the creation of Conservation Areas on the basis of policy, to ensure legal certainty would require their designation on a statutory footing. This would require amendment to the law, which the Minister is working towards as part of a bundle of revisions to the existing law (amendment no.7): this will be progressed during 2014 but is unlikely to be ready for adoption until 2015.</p> <p>Second, the Minister has a statutory duty, under the law to protect buildings and places that have a special importance or value to Jersey. He does this by adding them to the List of Sites of Special Interest. In 2011, the Minister introduced a new historic environment protection regime that relies solely on the statutory listing of special buildings and places: this has been complemented by a complete re-survey and review of the heritage value of over 4,000 buildings and places throughout the Island. The Department of the Environment, in partnership with Jersey Heritage, is aiming to complete the formal re-designation or designation of this site-specific protection of the Island's heritage assets by the end of 2014. Once this is complete, the Department will redirect its resources to the assessment of those areas with the potential for Conservation Area designation.</p> <p>Third, until work is undertaken to develop criteria for the assessment and definition of Conservation Areas, in addition to a preliminary assessment of the scope of potential candidate areas, it is difficult to precisely define the number of Conservation Areas that might ultimately be designated in the Island. Furthermore, whilst not yet developed or prescribed, it is considered likely that the process of Conservation Area designation will involve extensive stakeholder engagement and formal consultation given that designation will confer additional planning control: there may also need to be formal process of</p>	<p>Planning Guidance, following consultation with stakeholders."</p> <p><i>Reasons</i></p> <p>It is common ground amongst those who participated in the EiP and those who contributed in writing that the conservation of the Island's special buildings and areas in extremely important. Nobody could disagree with this view. Delivering Conservation Areas is one part of the approach to this objective. As the Minister indicates, there has been much activity already in other directions to protect buildings or areas of special importance and value.</p> <p>It is clear to us that the amendment proposes that all Conservation Areas should be identified and designated by the end of the plan period (though it was not clear that this was what Deputy Young had intended).</p> <p>The issues are therefore essentially ones of practicality and in his response the Minister sets out very clearly the reasons why he considers this should not (indeed could not) be supported. There are legal issues to be resolved. And there are issues of resources and priorities which the Minister sets out fully. We do not repeat these here. But it seems from the evidence before us, that even on the most optimistic assumption, it would not be possible to complete the identification and designation of all Conservation Areas within the plan period.</p> <p>However it is a matter of regret that, though we were told the intention to designate conservation areas has been in place since 1987, no progress has been made. The anticipated completion of work on site specific heritage assets by the end of 2014 will mean that resources are available and our view is that the inclusion in the Plan of a realistic target</p>

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			<p>appeal and challenge. The time and resource required to undertake such engagement should not be underestimated.</p> <p>Even looking at the most likely list of candidate areas for Conservation Area designation - which might include one or more in St Helier; St Aubin; Gorey Harbour and Village; historic parish centres (x 11?) and north coast harbours – and assuming an optimistic rate of designation of two Conservation Areas per year, it is considered unrealistic to consider that the process would be complete for the entire Island by 2020.</p>	<p>is entirely desirable and would be likely to mean that progress might be made.</p> <p>We therefore recommend a further amendment to Deputy Young's amendment to require that a minimum of three conservation areas are designated by the end of the plan period. Such a proposal was discussed at our instigation at the further EiP and seemed generally to find favour.</p>

ANNEXE 1

CORE DOCUMENTS LIST

CD1	The Island Plan 2011
CD2	2011 Island Plan: interim review Proposed revision Draft for consultation (July 2013)
CD3	The Jersey Island Plan 2011 Interim Review Inspectors' Report Volumes 1 and 2 (February 2014)
CD4	2011 Island Plan interim review Revised draft revision (March 2014)
CD5	2011 Island Plan interim review: Schedule of Amendments to the initial draft revised Island Plan 2011 (March 2014)
CD6	Minister's Proposition to adopt the revised Plan and Members' proposed amendments to that Proposition
CD7	Invitation note regarding the Further Examination in Public, June 2014
CD8	Ministers Initial Response to States members' amendments, June 2014
CD9	Comparison Schedule, Existing policy and proposed States Members' amendments, July 2014

PROGRAMME

Date	Topics	Participants
Monday 7 July	<p>GD8 – Percentage for art</p> <p>Policy BE4: Shoreline Zone St Brelade's Bay</p> <p>GD1, GD3, GD5</p> <p>Spatial Strategy for settlements outside the main built up area and Conservation Areas</p>	<p>Deputy Young</p> <p>States of Jersey Department of the Environment Representatives</p> <p>Mr McLoughlin, States of Jersey Education, Sport & Culture Department (GD8 only)</p> <p>Council for the Protection of Jersey's Heritage (Mr Mesch)</p> <p>Jersey Chamber of Commerce (Mr Godel)</p> <p>Association of Jersey Architects (Mr Harding)</p> <p>Jersey Hospitality Association (Mr Fletcher)</p> <p>Société Jersiaise (Ms Backhurst)</p> <p>Ms Mary Scott</p> <p>Mr Pierre Le Saux</p> <p>The National Trust for Jersey (Ms Kerley)</p> <p>Hand Picked Hotels (Mr Alder, Riva Architects Ltd.)</p>

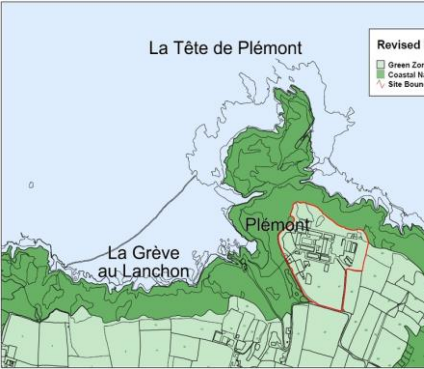
ANNEXE 2

Matters not before the Inspectors

No.	Section / Policy	Minister's Summary of Amendment	Minister's initial response	Inspectors' Conclusions & Recommendations
1st Amendment (P.37/2014)	Policy H1 Category A affordable housing sites	<p>Amendment from Connétable Norman of St. Clement</p> <p>The proposed amendment seeks to remove the following sites from the list of those proposed to be rezoned to provide Category A affordable homes:</p> <p>5. Samares Nursery, La Grande Route de St. Clement, St. Clement, (10 acres /22 vergées);</p> <p>6. Le Quesne Nurseries, La Rue de Jambart, St. Clement (4 acres/9 vergées);</p>	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>The Minister acknowledges the importance of protecting the countryside and safeguarding agricultural land but has sought to identify those sites which have already been subject to some form of development, albeit for agricultural purposes, on the edge of the existing built-up area as having the most potential to contribute to the Island's housing needs. These two former glasshouse sites identified for the provision of affordable housing in St.Clement are well-related to the existing built-up area and, in terms of the rezoning of land, offer the most sustainable opportunities for development when viewed from an island-wide perspective. These two sites are strategically significant in terms of providing between 235-265 of the 300-340 affordable homes (ie just under 80%) that might be provided on those sites proposed for rezoning under Policy H1. The site assessment, at Appendix B of the proposed amendment, sets out the considerations that have been made of the potential impact of the development of these sites upon the local infrastructure.</p> <p>The independent planning inspectors support the proposed rezoning of both of these sites: in the case of the Samares Nurseries site the Inspectors concluded that <i>'it is the best (site) before us'</i>.</p>	<p>We were not requested by the Minister to consider this amendment, having considered the matter in full at the previous EiP and reported on it.</p>
2nd Amendment (P.37/2014)	Policy H1 Category A affordable housing sites	<p>Amendment from Deputy R.G. Le Hérisssier of St. Saviour</p> <p>The proposed amendment seeks to remove the following site from the list of those proposed to be rezoned to provide Category A affordable homes:</p>	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>The Minister acknowledges the importance of protecting the countryside and has sought to identify those sites which have already been subject to some form of development, on the edge of the existing built-up area as having the most potential to contribute to the Island's housing needs. This former garden centre site is well-related to the existing built-up area of Longueville and, in terms of the rezoning of land, offer the most sustainable</p>	<p>We were not requested by the Minister to consider this amendment, having considered the matter in full at the previous EiP and reported on it.</p>

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		7. Longueville Nurseries, New York Lane, St. Saviour (1.5 acres/3 vergées)';	opportunities for development when viewed from an island-wide perspective. This site has the potential to contribute between 25-30 affordable homes without undue impact on the character of the countryside in this area or local infrastructure. The independent planning inspectors support the proposed rezoning of this site.	
3rd Amendment (P.37/2014)	Policy H5: Affordable housing in rural centres	<p>Amendment from Deputy Luce of St. Martin</p> <p>The proposed amendment seeks to change the type of home to be provided on F.402, St Martin (in the event that it is rezoned);</p> <ul style="list-style-type: none"> • from Category A affordable homes, where access to them is controlled and managed through the States of Jersey Affordable Housing Gateway; • to homes the access to which is controlled and managed by the St Martin's Housing Association. 	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>Whilst supporting the desire to provide new homes in our rural centres to ensure the continued viability and vitality of parish communities, the Minister is concerned to ensure that residential development here, where it is facilitated by the release of valuable greenfield land, also contributes towards the Island's need for affordable homes. To ensure that new homes here are only accessible to those people who are most in housing need, it is essential that their allocation is undertaken through the Housing Gateway. This will allocate homes to people based on an assessment of their income level and, under the proposed definition of Category A homes, to households with a median income level or below. This does not preclude the occupation of any homes by St Martin parishioners or those with connections to the parish who would like to move into/back to St Martin, but only where they would also 'qualify' as being in 'housing need', as assessed through the Housing Gateway operated by the Strategic Housing Unit. Whilst the purposes of the St Martin's Housing Association and the thrust of this amendment are undoubtedly well intentioned, the effect of this amendment would be to remove any effective control as to who could occupy these homes and thus effectively render them as 'Category B/open market' homes, for which there is already adequate provision in the Plan, and for which there is no justification to release greenfield land. Similarly, whilst there is the intention that the land be developed by, or on behalf of the St Martin's Housing Association, this could not be regulated by the planning system and, if and when rezoned, is a matter for the landowner.</p>	We were not requested by the Minister to consider this amendment, having considered the matter in full at the previous EiP and reported on it.

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4th Amendment (P.37/2014)	Policy H5: Affordable housing in rural centres	Amendment from Connétable Paddock of St. Ouen The proposed amendment seeks to add the following site to the list of those proposed to be rezoned to provide Category A affordable homes in rural centres (subject to the preparation and adoption of a village plan by the Minister for Planning and Environment): 8. Field 622, St. Ouen (1.8 acres/4 vergées));".	The Minister is minded to accept this amendment. This site was included in the Minister's original draft changes to the 2011 Island Plan and subjected to public consultation and review by the independent planning inspectors. Whilst the use of this site for the provision of sheltered homes has been supported by two Parish Assemblies, there also remains much local public opposition to the use of this site for the development of homes by the Parish and a previous planning application to develop the site for sheltered homes was refused; a decision which was upheld by a planning inspector on appeal. The Parish, in its proposed amendment, however, appears willing to work with the Ministers for Planning and Environment and Housing to ensure that, in the event that this site does come forward for development, homes are allocated through the Housing Gateway, to help meet the Island's overall housing need, whilst at the same time prioritising local housing needs for those in St Ouen, or with connections to the parish and who may be over-55. The independent planning inspectors, however, concluded that the development of Field 622 would be visually prominent and would result in the loss of good agricultural land, affecting the potential viability of an agricultural holding. They recommended that the site was withdrawn from the Plan and that further work be undertaken by the Parish to assess alternative sites in a more 'rounded' way and one which better involved the community and which was open to more scrutiny, assessment and review. This should be best undertaken through a 'village plan' process, which would then be adopted by the Minister for Planning and Environment as supplementary planning guidance. In the event that this process identified a site – whether Field 622 or an alternative – the inspectors recommended that this then be considered for inclusion in the Island Plan, through a subsequent review. The proposed amendment from the Parish of St Ouen effectively seeks to shorten this process by securing the endorsement of the States, at this time, to the principle of using Field 622 for Category A homes that would be allocated though the Housing Gateway, but only subject to it being considered the best site for this purpose through a village plan process. In the	We were not requested by the Minister to consider this amendment, having considered the matter in full at the previous EiP and reported on it.

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			event that an alternative site is considered more appropriate, a further review of the Island Plan would be required. The Minister for Planning and Environment is willing to support this approach, subject to the caveats of a village plan process as set out above, and is minded to accept the amendment.	
5th Amendment (P.37/2014)	Coastal National Park – NE6 – Map and preamble.	<p>Amendment from Senator F. du H. Le Gresley</p> <p>The proposed amendment is to add under the " Cliffs and Headlands" section a further bullet to include- "Site of former Plémont Holiday Village (part of E1: north west headland)".</p> <p>A further consequence is to amend the Island Plan proposals map to include the site of the former Plémont Holiday Village (see attached map) in the Coastal National Park.</p> 	Amendment withdrawn 3 June 2014	
7th Amendment (P.37/2014)	Pre-amble to Policy NR8: Safety zones for hazardous installations	<p>Amendment from Deputy John Young</p> <p>This amendment seeks to change the pre-amble to this policy to state that:</p>	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>The proposed amendment is unnecessary and inappropriate. Whilst the Minister generally supports the provision of allotments – and has other policy in the Island Plan which sets this out (at Policy SCO6) - any proposed</p>	<p>We were not requested by the Minister to consider this amendment, having considered the matter in full at the previous EiP and reported on it.</p>

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		<p>'The adoption of this new safety zone should not prevent the remaining eastern part of Field 26 and Field 27, St. Brelade being used by members of the public for allotments, subject to compliance with Planning Advice for Developers Near Hazardous Installations (PADI-HSE Sept 2009), notwithstanding the declared intention of the airport to extend the operational area into this Field in future.'</p>	<p>use of land should be properly considered within the context of a planning application, where all material considerations can be taken into account. The potential use of this site for allotments is not, therefore, necessarily precluded by the proposed changes to Policy NR8: this type of use, however, ought to be properly considered and assessed through the planning application process rather than being referenced (but not formally allocated or zoned) in the Island Plan. The Department of the Environment is not aware of any formal intent of the Ports of Jersey to amend the operational area of Jersey Airport within the Plan period: any proposal to do so would require formal amendment of the Island Plan. Reference to this in the current Island Plan is, therefore, considered to be without foundation and inappropriate.</p>	
<p>8th Amendment (P.37/2014)</p>	<p>Policy H7: Housing to meet special requirements and the preamble to it, plus the addition of a new proposal</p>	<p>Amendment from Deputy John Young</p> <p>This amendment seeks to change Policy H7: Housing to meet special requirements and the pre-amble to it to give explicit emphasis to sheltered housing and lifelong dwellings for over-60s. It also seeks to add a new proposal to the Plan, to encourage explicit planning and provision for housing for the elderly, as follows:</p> <p>'Proposal H4</p> <p>The Minister for Planning and Environment will, in partnership with the Strategic Housing Unit over the lifetime of the Plan, review the need for sheltered housing, lifelong dwellings for over-60s and housing to meet special requirements. The Minister will work with relevant stakeholders, including the parochial authorities throughout the Island, to ensure that sheltered housing, lifelong dwellings for over-</p>	<p>The Minister is minded to accept this amendment, subject to further amendment.</p> <p>The thrust of this amendment is to give greater emphasis in the Island Plan to the need to plan and provide for the needs of older people, particularly in the communities where they already live. The Minister accepts and supports this. This is likely to be increasingly important as greater emphasis is placed on people living in their own homes for longer and where, as a result, greater reliance will be placed on the formal and informal networks of community support. The Minister considers, however, that any such work should focus on the age cohort of over-55, rather than over-60, as set out in the amendment. The Minister will lodge an amendment to this amendment to this effect.</p> <p>The rationale for focussing on the age-group of over-55 is well-established. In Jersey, this was adopted in 2004 arising from valuable inter-departmental work that resulted in the Island-wide Strategy for the Ageing Society (ISAS), and has been applied to the rezoning of land to provide homes specifically for the Island's ageing community in 2007 and 2008. It is also an accepted age-cohort when planning for the ageing society in the UK, and is employed by agencies such as the Joseph Rowntree Foundation. The essence of focussing on the over-55 cohort is that people are more willing and able to make active life choices – particularly about where and in what type of</p>	<p>We were not requested by the Minister to consider this amendment, having considered the matter in full at the previous EiP and reported on it.</p>

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		60s and housing to meet special requirements are provided during the Plan period to meet the community's needs.'	accommodation they own/occupy – when they are beginning to plan for older age rather than when they are actually forced to make such decisions because of changed circumstances as they age. By changing the parameters of the age-cohort to over 60, this reduces the ability to embrace a wider cohort of people who are beginning to plan for and enter older age, which is not considered to be beneficial and is not supported.	
9th Amendment (P.37/2014) Part (b)	Policy GD2: Demolition and replacement of buildings	Amendment from Deputy John Young This amendment seeks to secure the retention of Policy GD2: Demolition and replacement of buildings	The Minister is not minded to support this amendment. The use and application of this policy has proved to be difficult in practice, for both decision makers and applicants, and there are other policies in the Plan which deal with demolition and associated issues of environmental performance. The proposed deletion of this policy does not amount to the setting aside of proper environmental considerations, but seeking to ensure that we have in place a pragmatic and viable way of assessing the environmental consequences of planning applications that can be appropriately used and applied by decision-makers, developers and applicants. The deletion of this policy is supported by the independent planning inspectors as well as other development professionals.	We were not requested by the Minister to consider this amendment, having considered the matter in full at the previous EiP and reported on it.
11th Amendment (P.37/2014)	Policy NE6: Coastal National Park; and Policy NE7: Green Zone	Amendment from the Minister for Economic Development This amendment seeks to remove the Minister's proposed changes to the policies for the Coastal National Park and the Green Zone. The outcome of the amendment would be to leave the existing policies, adopted in 2011, as they are.	The Minister is not minded to support this amendment The submission of this amendment is disappointing and the basis for it is flawed and without evidence, and cannot be accepted. It is disappointing because it is raised at this very late stage of the Plan-making process by another Minister who has thrice, considered and endorsed the proposed changes to the Island Plan through the Council of Ministers and whose department has chosen not to engage in the extensive consultation and independent review of the proposed changes to the Plan, provided by the Examination in Public process that has been ongoing since July 2013. It is disappointing because it is sponsored by and represents a very narrow sectoral view of the Island's development industry and fails to take into account the wider interest of the Minister for Economic Development's portfolio. This, it is suggested, ought to include an interest in and concern for the protection of one of the Island's most precious economic assets, which is	We were not requested by the Minister to consider this amendment, having considered the matter in full at the previous EiP and reported on it.

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			<p>the quality of its coast and countryside which these changes to policy are designed to better protect. This is of significance not only to the tourism industry but is also a principal factor in attracting and retaining people to live and work in Jersey, in competition with other places: this includes those engaged in the finance industry as well as high net-worth individuals. And it is overblown and flawed, lacking any real evidence to support the claims used to justify the amendment.</p>	
<p>11th Amendment to amendment (P.37/2014)</p>	<p>Policy NE 6: Coastal National Park; and Policy NE 7: Green Zone</p>	<p>This amendment to an amendment seeks to allow the Minister's proposed changes for the Coastal National Park (Policy NE6) to be considered. It would leave the existing policy for the Green Zone (at Policy NE7), adopted in 2011, unchanged.</p>	<p>The Minister is minded to accept this amendment, subject to further amendment.</p> <p>Notwithstanding the amendment from the Minister for Economic Development - which is flawed; wholly unsubstantiated and is promoted by a limited range of interests from the development industry – the Minister for Planning and Environment is minded to accept this amendment to it, sponsored by Deputy Young. The basis for this is that this would retain intact, the Minister's proposed changes to the planning policy regime for the Island's most valuable and sensitive landscapes in the Coastal National Park (at Policy NE6), whilst enabling the Minister to propose further changes to the proposed revision for the policy affecting the Green Zone, which makes up the remainder of the Island's countryside. In this respect, the Minister for Planning and Environment is minded to set out a revised proposed change to the planning policy for the Green Zone (Policy NE7) which would remove the objective parameters that are proposed to assess applications for residential development here, but these would be retained for the Coastal National Park.</p> <p>This would mean that:</p> <p>in the CNP there would be a presumption against new houses that were bigger than existing dwellings; and that extensions would need to remain subservient to the existing dwelling (as proposed by the changes to Policy NE6); but that</p> <p>in the Green Zone, which is made up of landscapes that are less sensitive to development, that the redevelopment of houses that were bigger than those they were replacing</p>	<p>We were not requested by the Minister to consider this amendment to Amendment 11, having considered the matter in full at the previous EiP and reported on it.</p>

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			and the development of extensions that were bigger than existing dwellings may be permissible, subject to their impact on the character of the landscape. This would be a design-lead policy, which would have a similar basis to that which currently exists in the 2011 Island Plan.	