

2011 Island Plan: Interim Review (1)

Coastal National Park Policy NE6 and supporting text (Q1 – Q5)

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Q1 – Sufficient clarity to obviate the need for supplementary guidance?

There is no need to fundamentally alter the current CNP policy which, with the introduction of a merits based Appeals system, can adequately address the need to protect the CNP environment and residents and business needs, and without the need for further explanatory advice in the form of an SPG.

The proposed amendment makes clear that the Minister seeks to restrict still further development within the CNP, almost to a biblical extent. Aside from this, the preamble and policy are not clear. Residents, businesses and other interests parties would need to refer to six areas of documentation to try and assess what policy is actually in place; these being Policy NE6 pre-ambule, Policy NE6, Jersey Design Guide, The Countryside Character Appraisal (which itself includes seven different Character Areas in the CNP), the Permitted Development regulations, and the additional SPG. This is before referring to any other policy documentation.

The Countryside Character Appraisal offers greater clarity than the pre-ambule to Policy NE6. If supplementary guidance is to be provided then it should clarify what types of development is likely to be acceptable – provide guidance! At present the policy states what is unlikely to be acceptable and, within the preamble, directs applicants to the range of documents noted above.

Q1 – What are the advantages, or disadvantages of encapsulating the Policy and guidance solely within the IP?

Advantages

Because it is adopted by the States and therefore has greater status than an SPG prepared by and approved by the Minister alone.

Having all the guidance and policy within the IP makes for easy reference for all including decision makers. In addition, it would be enable one revision instead of a continued evolution of Policy.

Disadvantages

SPGs are easier to amend if policy is found to be unjust or unworkable, particularly in the light of future decisions by the Appeals system. However, SPGs do not have the same status as Island Plan Policy as they have not been adopted by the States.

Q2 – Does the Policy strike the right balance between achieving the primary purpose of the CNP while recognising that the extent of the Park takes in existing buildings and land uses?

No. the policy has become much too prescriptive and there should be a greater degree of flexibility in the policy, given that it could be applicable for a period of 10 years. Although, the strongest level of presumption should remain, Jersey is a very small community relatively speaking and its residents and employers sited in the CNP should not be governed by such onerous and prescriptive policy provisions as proposed.

The primary purposes of the CNP have not altered from that approved by the States in 2011 to that now proposed.

However, now, the Minister believes that even greater restrictions on peoples' property rights are required to meet the primary purposes. This is not correct in our view.

Indeed, it is ironic that most development that has been deemed to cause significant harm to the coast has been subject to Planning Applications, deemed to be reasonable, and approved by the Minister. It has not been the exempt fences sheds and satellite dishes that are harming the CNP, but massive residential developments of recent years. Removing permitted development rights would not prevent large scale 'harmful' development but would instead unreasonably effect people's enjoyment of their own home.

In addition the Minister makes clear that extensions of domestic curtilage and virtually any development that may increase the number of people living or working in the CNP would not be acceptable. This is safeguard enough without restricting the rights of the relatively few households that are found in the CNP.

The pre-amble is worded so negatively that property owners have no reasonable expectation of any approval. It is essentially, a list of what will not be approved but leaves homeowners, in particular, needing to 'justify' even the smallest proposal against possible 'harm' which is an entirely subjective test. Again, the CCA provides greater direction than the Island Plan as to what development may be permitted.

Specifically, it is illogical within the Policy to permit extensions that are not 'disproportionate' but refuse to accept that replacement dwellings may be larger. Similar guidance is given for existing employment use. The Minister has previously defended decisions on the 'apparent visual impact' of proposed

development. This allowed architects and owners certain freedom to expand property while enhancing the CNP. The Minister, along with most property owners, will no longer have that freedom.

Q3 Could the policies be more succinct whilst still adequately expressing its aims?

Yes, the existing policy is perfectly adequate, setting the strongest presumption against development, but highlighting suitable exceptions.

Q4

No comment.

Q5 Planning application fees

It is agreed that planning application fees should not be necessary for work that would otherwise be exempt. However, this infers that the Minister realises that this is placing a public burden, unreasonably, onto private home owners.

In addition, the level of information now 'required' to support even small applications mean that householders may be paying professional fees due to the need for Planning Approval more than the cost of the development itself!

There is no way the Minister can guarantee this 'free from fee' promise would remain.