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Jersey Island Plan Proposed Revisions 2013

Response to Inspectors questions - Written Statement – Policy NE6 Coastal National Park

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The need to protect the island's precious landscape and environment is fundamental to the assessment of any proposal for development, especially in the CNP. In the revised drafting, two primary purposes are ascribed to the CNP policy:

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 Policy NE6 is stated as being to provide the highest level of protection against development in support of the objectives of the park, recognising that it includes those parts of the island that are of highly sensitive and valuable landscape quality.

The policy relies on the Countryside Character Appraisal 1999 to identify and define landscape character and assets worthy of protection. This is judged to be an excellent appraisal, however does not account for every anomaly. For example the area identified as B4: The Quennevais Dunes does not appear to take account of the small residential hamlets that exist in the La Pulente area. Within the CNP there are landscapes that have different characters. Jersey is too small to generalise.

The preamble to the policy recognises that the CNP is a living landscape and has been shaped by human intervention. It is also stated that the policy should provide for the reasonable expectation of residents and businesses to improve their homes and undertake economic activity.

The types of acceptable development that are provided for by the terms of the redrafted policy are prescribed and do not appear to allow the Minister to make a judgement that in certain circumstances there are cases where material considerations might allow opportunities to improve the landscape and visual character of the CNP to be provided. There may also be other environmental gains that can be included as part of a scheme, that do not appear to be given any weight in the decision making process, even though this is acknowledged as being a purpose of the policy

Q1 - The supporting text to the CNP policy is considered to be long. The complexities and nuances required for assessing proposals in the CNP are judged to be more properly the subject of Supporting Planning Policy Guidance. The St Ouen's Bay Special Area Planning Framework SPG provided a policy assessment tool that was specific to the Bay area. Is there any merit in revisiting this document to understand whether the policies contained within it are still relevant and useful?

Q2 – The need to provide a strict policy assessment regime is understood. However being too prescriptive results in a system that is akin to a coding system rather than relying on the merits of each individual case, which may provide opportunities for landscape and environmental improvements. For example, the policy does not provide for ancillary buildings. There may be occasions where an ancillary building can help consolidate and rationalise the appearance of development. For example an underground garage can be provided with very little harm to landscape

character. The relocation of an ancillary dwelling that already exists within the curtilage of an established dwelling, also appears not to be provided for.

Q3 – It is understood that the policy needs to reflect a balance between achieving its purpose, whilst also providing for the needs of land-users within the CNP area. There perhaps needs to be greater clarity about the purpose of the CNP policy and the perceived purpose of the policy by different stakeholders. There are some who might not want any development at all to happen in the CNP, however, is this reasonable for those who live and work in the park area? Personally I find the policy too long.

Q4 – I have to be honest every time I open the proposed policy, I feel like I am bracing myself for an unpleasant experience. There are so many words!

The purpose of the policy is to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and,
to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

The length of the policy suggests that it trying to do too much. There was an entire SPG document devoted to the St Ouen's Bay area. There is also no acknowledgement that within the CNP there are different character areas, where an assessment of impact results in a different measure of the assessment of harm (sensitivity and magnitude).

The Minister has responded to the suggestion that the existing provisions required by Design Statements adequately provide for the assessment of impact of landscape and visual character. It would be useful to understand how often Design Statements provide objective assessments of landscape and visual impact. Landscape and Visual Impact Assessment is an objective assessment tool promoted by the Landscape Institute and Institute of Environmental Management and Assessment, recently updated guidance is provided by 'Guidelines for Landscape and Visual Impact Assessment, 3rd Ed. Landscape Institute and institute of Environmental Management and Assessment (2013)'. Could its use be tailored to suit development control requirements?

Some comments:

Footprint and floorspace appear to be crude measures to assess proposals and do not allow for landscape and visual impact improvements that might be achieved through using modern sustainable building technologies – eg; development underground. Provided that waste can be managed sustainably and the provisions of the other policies of the Plan are met.

There is no guidance about what constitutes a demonstrable environmental gain or how the Minister will take these into account in the decision-making process.

Saying no to any proposal that creates a separate dwelling, even when circumstances do not increase occupancy on the site, landscape and visual impact character are improved and opportunities for environmental gains are provided, do not always prevent the aims of the policy from being achieved.

Q5 - Some commentators have questioned what is the difference between the CNP and the Green Zone. It is judged that the sensitivity of the CNP justifies the removal of all exempt development rights, as long as it is made clear that control does not equate to a moratorium on development. This is the major difference between the two zones. In the CNP all development requires careful assessment, as even small changes can have an impact. An exempt fee provision appears fair and is supported.