

2011 Island Plan: interim review

Examination in Public

Statement: Coastal National Park - Policy NE6

- Q1. Do the proposed revisions to the Policy and its supporting text provide sufficient clarity to obviate the need for Supplementary Planning Guidance? What are the advantages, or disadvantages, from seeking to encapsulate the Policy and guidance on its application solely within the Island Plan?**
- Q3. Could the Policy be more succinct while still adequately expressing its aims?**
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Part of the justification for the amendment of Policy NE6 was to provide greater clarity and comprehensiveness as to the policy regime for a range of development proposals that might emerge in the CNP.

As a living and working environment, the Minister wishes to make it clear that whilst the CNP enjoys the strongest presumption against development, it is unreasonable to prevent all development here and the policy seeks to comprehensively set out the circumstances in which some forms of development might be considered acceptable. As a corollary to this, should development proposals fail these tests, even where they might be identified as potentially permissible exceptions, then they will be unacceptable and will be resisted: this is made explicit in the pre-amble at para. 2.62.

The proposed revision to the policy attempts to achieve this objective by setting out a comprehensive framework of tests against which a whole range of potentially permissible development proposals might be assessed. This is designed to be as clear and as comprehensive as possible about how the policy might be interpreted and used in practice.

On this basis, the Minister cannot presently see the need for any additional guidance to supplement the existing policy framework provided by the revised Policy NE6 (and by inference, NE7) should it proceed to adoption. This does not, however, preclude the provision of further guidance should it be considered necessary as and when the policy begins to be used.

The Minister acknowledges that the policy could undoubtedly be much more concise and succinct but is of the view that if this were the case, it would necessitate the provision of supplementary guidance to enable its consistent application and use.

Advantages of a more comprehensive policy are that it should carry greater weight in decision-making, on the basis of the process of scrutiny undergone prior to adoption; and that it provides a singular clarity and point of reference for applicants and decision-makers about the planning policy regime that is to apply in the CNP. It should also, as a result of being enshrined within the Island Plan, ensure greater consistency of decision-making in that the law requires decision-makers to determine applications in accordance with the Island Plan unless they have sufficient justification to do otherwise.

The disadvantages of embodying such a definitive approach in Island Plan policy are that it is much more difficult and onerous to change, requiring a prescribed process of consultation as well as approval by the States Assembly; unlike SPG which can be changed relatively easily by ministerial decision following a much less onerous consultation process which does not require independent scrutiny and which is not prescribed by law.