



Department of the Environment

2011 Island Plan: interim review

Minister's initial response to States Members' amendments

June 2014

2011 Island Plan Interim Review: States Members' amendments

The Minister for Planning and Environment has now carefully considered all of the matters raised during the various stages of consultation and scrutiny of the initial draft Island Plan, including the Inspectors' Report. He has lodged a [revised draft Island Plan](#) in the States, [P37/2014](#) and has also published¹ a [schedule of amendments](#), setting out the changes that have been made.

States Members' Amendments for Consultation

States Members have now had an opportunity to review the revised draft Plan and have lodged their own proposed amendments.

Where these proposed amendments raise matters not yet considered as part of the Island Plan Review to-date, members of the public or any other interested parties have been invited to comment on them before they are debated by the States.

All of the amendments are summarised in this schedule: where they raise matters that have already been considered, they are shaded pink; where they have been withdrawn, they are shaded grey; and where they raise new issues which have and will be subject to consultation and independent scrutiny by planning inspectors, they are white (without shading).

Examination in Public

The Minister is also to invite independent planning inspectors to review the proposed amendments by States Members and all of the comments received.

The inspectors will convene a short Examination in Public to consider some or all of the new issues raised, which is scheduled to take place on **07 July 2014**.

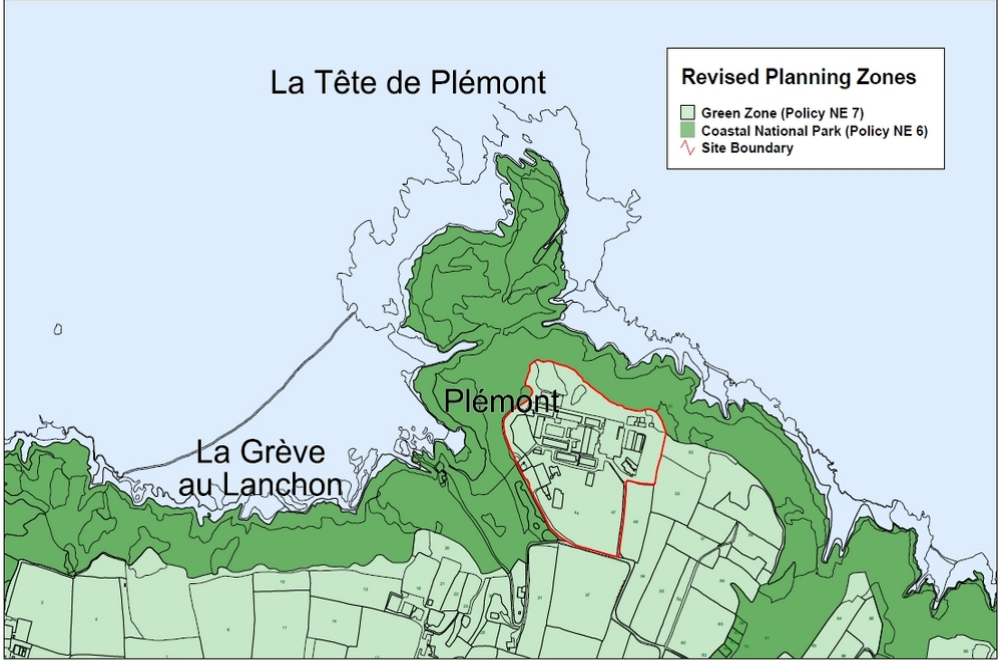
The inspectors' will submit a report to the Minister for Planning and Environment before the States debate on the revised draft Island Plan which is scheduled to take place on or after **14 July 2014**.

Minister's initial response to States Members' amendments

The Minister has undertaken a preliminary review of the amendments submitted by States Members: his initial response to those amendments is set out in this schedule.

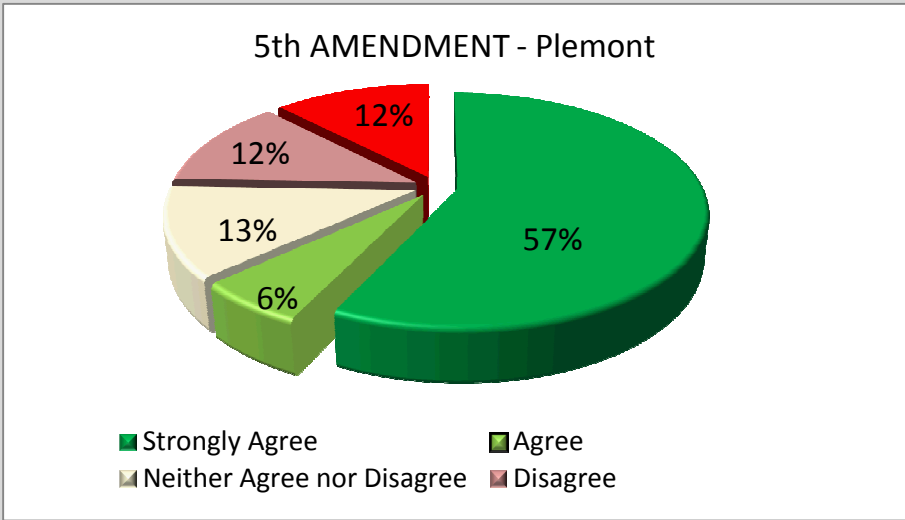
No.	Sponsor	Section / Policy	Summary of amendment	Minister's initial response
Island Plan 2011: revised draft revision – approval (P.37/2014) – amendment	Connétable of St Clement	Policy H1: Category A affordable housing sites	The proposed amendment seeks to remove the following sites from the list of those proposed to be rezoned to provide Category A affordable homes: <ul style="list-style-type: none"> 5. Samares Nursery, La Grande Route de St. Clement, St. Clement, (10 acres/22 vergées); 6. Le Quesne Nurseries, La Rue de Jambart, St. Clement (4 acres/9 vergées); 	<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.</p> <p>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.</p> <p>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.</p> <p>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>
Island Plan 2011: revised draft revision – approval (P.37/2014) – second amendment	Deputy Roy Le Hérissier	Policy H1: Category A affordable housing sites	The proposed amendment seeks to remove the following site from the list of those proposed to be rezoned to provide Category A affordable homes: <ul style="list-style-type: none"> 7. Longueville Nurseries, New York Lane, St. Saviour (1.5 acres/3 vergées); 	<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.</p> <p>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 opportunities for development when viewed from an island-wide perspective.</p> <p>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.</p> <p>The independent planning inspectors support the proposed rezoning of this site.</p>
Island Plan 2011: revised draft revision – approval (P.37/2014) – third amendment	Deputy Steve Luce	Policy H5: Affordable housing in rural centres	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); <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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>
Island Plan	Connétable	Policy H5:	The proposed amendment seeks to add the following site to the list of those	The Minister is minded to accept this amendment.

2011: revised draft revision – approval (P.37/2014) – fourth amendment	of St Ouen	Affordable housing in rural centres	<p>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):</p> <p>8. Field 622, St. Ouen (1.8 acres/4 vergées)</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 through the Housing Gateway, but only subject to it being considered the best site for this purpose through a village plan process. In the event that an alternative site is considered more appropriate, a further review of the Island Plan would be required.</p> <p>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.</p>
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No.	Sponsor	Section / Policy	Summary of amendment	Minister's initial response
Island Plan 2011: revised draft revision – approval (P.37/2014) – fifth amendment (withdrawn)	Senator Le F Gresley	Coastal National Park NE6 - Map and pre-amble	<p>This amendment has been withdrawn</p> <p>The proposed amendment is to add under the "Cliffs and Headlands" section a further bullet to include- "<i>Site of former Plémont Holiday Village (part of E1: north west headland)</i>".</p> <p>A further consequence is to amend the Island Plan proposals map to include the site of the former Plemont Holiday Village (see attached map) in the Coastal National Park.</p> 	<p>This amendment has been withdrawn</p> <p>The Minister is <u>not minded</u> to support this amendment.</p> <p>First, the definition of the Coastal National Park is and should be based on an objective assessment of the landscape characteristics of the Island's coastline and countryside.</p> <p>That area of land on which the former Plémont Holiday Village sits has a different landscape characteristic to that which already forms part of the Coastal National Park and which is adjacent to the holiday village site to the north and west.</p> <p>In other words, the site of the former holiday village:</p> <ul style="list-style-type: none">a) sits within a landscape that has the characteristics of interior agricultural land (defined as E1 in the Countryside Character Appraisal) which forms much of the Island's Green Zone and;b) does not have the landscape characteristics of the adjacent North Coast Heathland (defined as A1 in the Countryside Character Appraisal), which is located within the CNP. <p>For these reasons alone, it is not considered appropriate to include the site within the Coastal National Park.</p> <p>Second, the proposer of the amendment suggests that the purpose of bringing the amendment is because <i>'the headland at Plemont needs the highest level of protection, particularly after the houses have been built'</i>. This is flawed on a number of levels:</p> <ul style="list-style-type: none">c) The 'headland' at Plemont (ie La Tete de Plemont) is already within the Coastal National Park. The former holiday village is not on the headland, but is sited on the edge of the agricultural hinterland immediately behind the headland and clifftop;d) Whilst the award of planning permission for the redevelopment of the former holiday village to provide 28 new homes remains the subject of a planning appeal, in the event that planning permission is granted and the homes developed, there would, in any case, be a presumption against any new forms of development here other than that related to ancillary residential development (whether the Minister's proposed amendments to countryside policies are approved or not). On this basis, it is considered that either the existing or amended policy provision relating to the Green Zone is entirely capable of regulating future development proposals where there will be a strong presumption against any new forms of development. <p>Finally, it is considered worth stating that the outcome of any States decision to amend the boundary of the Coastal National Park to include the site of the former Plemont Holiday Village will not have any bearing of the outcome of the current Royal Court appeal relating the award of planning permission for development at this site.</p>

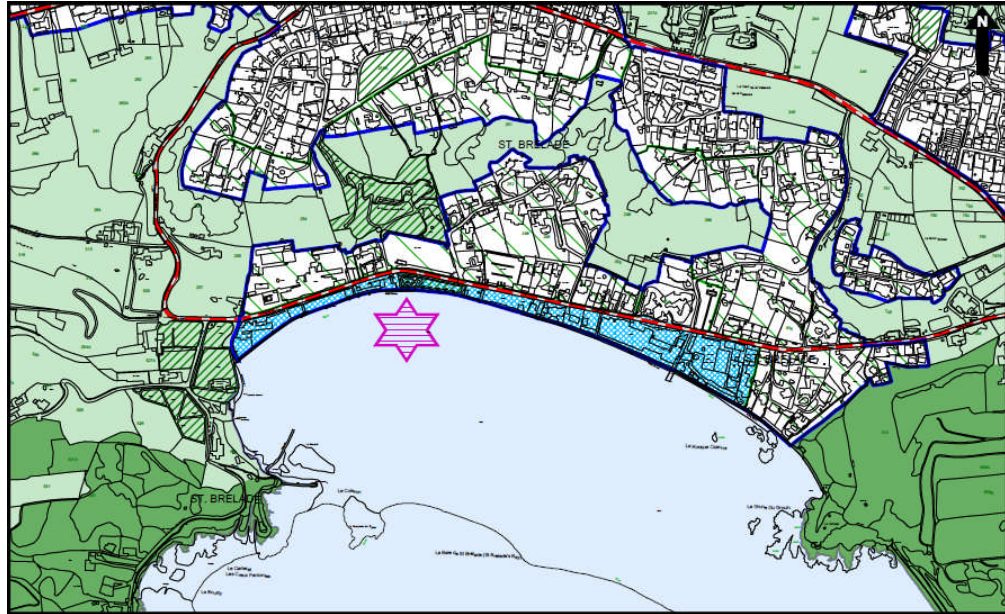
Consultation response to amendment

	% Total	% Answer	Count
Number of Responses	91%	-	49
Strongly Agree	52%	57%	28
Agree	6%	6%	3
Neither Agree nor Disagree	11%	12%	6
Disagree	11%	12%	6
Strongly Disagree	11%	12%	6
[No Response]	9%	-	4
Total	100%	100%	53



Ref	Consultee	Response	Reasons	Minister's response
amd22	Sarah Ferguson	Neither Agree nor Disagree	The proposed design, if unchanged is not unpleasing. At the same time, the owner has rights since buildings have existed on the site for some considerable time. At the moment, it is unlikely that a purchase price could be agreed as the gap between what is demanded and what might be offered appears to be too wide.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd4	Peter Gosselin	Agree	All areas of important biodiversity should be protected, but managed by small locally elected groups, not civil servants who all have private agendas.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd14	Mrs Susie Robins	Strongly Agree	Because of its situation in relationship to the coastal cliff path this headland is particularly prominent and visible from the length of the coast. It is therefore of utmost importance to restrict development which may intrude into the undeveloped natural landscape. Placing the headland within the Coastal National Park will give it more protection from future development.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Strongly Agree	During the drafting of IP 2011 and at the Examination in Public the Council for the Protection of Jersey's Heritage maintained that it was completely illogical not to provide the whole Plemont headland with the highest level of protection possible by including it within the Coastal National Park (CNP). This most prominent of headland, visible from miles around from both land and sea, with fields 44 - 49 listed as a designated archaeological site and obviously being only a very short distance from the shore-line this headland should be included the CNP. It has repeatedly been emphasised that the historic field patterns and adjacent, scenic landscape present do not conform to the present boundary which is that used in the Countryside Character Appraisal study conducted in 1999 for a different purpose. At the Examination in Public for IP 2011 the Inspectors refused any discussion of changes to the CNP boundary. The presence of the holiday-camp buildings is no reason to exclude this area from the CNP. It seems to have been forgotten that the great significance that is attached by the public at large to the Plemont headland was demonstrated by the presentation on 1 November 2006, to the Chief Minister, Senator Walker, the petition, organised by the National Trust of Jersey, containing 10,337 signatures asking for : "I want Plemont to be saved from development and would fully support the public acquisition of the site for the people of Jersey" It should be noted that the Terms of Reference for the Public Inquiry excluded any direct examination of the Public Interest which is the first justification for holding a Public Inquiry (See Article 12 (a) of Planning and Building (Jersey) Law 2002.) As a result, there is no mention of this petition in the report on the Public Inquiry.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd3	Gino Risoli	Disagree	What should be considered as something that one might safe guard changes with time. Therefore to give an absolute on any matter is in my opinion a form of laziness. When issues arise one has to do the work to defend a position.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd8	Christina Morgan	Strongly Agree	Jersey is a small but beautiful Island. We need to jealously guard our natural environment so we can pass all of that beauty down from this generation to the next. We do not own we are custodians and anything that helps protect and preserve our natural heritage should be welcomed.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd20	Chris Lamy	Strongly Agree	After studying Senator F du H Le Gresley's report of the 6th of May 2014, what stood out in paragraph 4, 'particularly after the houses have been built' and in paragraph 7, 'The applicant also proposes to return two-thirds of the site to nature' I strongly agree that the Plemont site currently in the Green Zone (Policy NE 7) should become part of The Coastal National Park (Policy NE 6). I also pray that proposed houses are built as their design will be an especially superb addition to The National Park.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd17	Anonymous	Disagree	The States of Jersey have shown a blatant disregard of the broader community who wish to access the coastal paths making it as difficult as possible for those wishing to ride mountain bikes on the cliff paths. They should be encouraging such activity and the growth of Eco-tourism in the island, take a look at the giant strides made by Wales and Scotland in this niche area. Until they can demonstrate a more open and all-embracing attitude they do not deserve to be given governance over more land for the exclusive use of a few dog walkers incapable of clearing up their animals' mess.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister as set out above. The Department of the Environment has launched a recent public consultation (http://consult.gov.je/portal/cas/countrysideaccess) to obtain the public's views on the main issues surrounding use of the coast and countryside paths and possible options for their future management. This raises many of the points put forward by this consultee, including; How do people use the paths? What other facilities would they like? How can we balance the cost of maintaining the paths to keep them safe and usable with limited resources? The Minister would therefore encourage the consultee to engage with this consultation and note

				its outcome, which runs until 7 th of August 2014.
amd2	Anonymous	Disagree	Space that has already had development in the past.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd1	Anonymous	Strongly Agree	There always seems to be a reason for eroding the countryside/shoreline and anything that can increase the level of protection should be welcomed.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd11	Anonymous	Strongly Agree	The coastal strip should be undeveloped and nature allowed to thrive, by allowing isolated pockets of development such as Plemont to be built on will encourage 'drift' of alien species into the Green Belt. The inevitable provision of infrastructure such as water, electricity and roads will have a detrimental impact on one of the few remaining wild areas.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd21	Anonymous	Strongly Agree	An area of quite outstanding beauty. Putting right a past planning (or non-planned) disaster.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd26	Anonymous	Strongly Agree	We are losing the beauty of the island to large ugly building developments. We must maintain our integrity.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd28	Anonymous	Strongly Agree	It was simply wrong to have permitted re-development on this site and what little further strengthening of the protections of the area is to be applauded.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd29	Anonymous	Strongly Agree	On closure of the holiday camp, the site should have been returned to nature. The present permission to redevelop is contrary to the overall intent and aim of the Island plan to protect the rural and cliff environment.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd31	Anonymous	Strongly Agree	We need to ensure we keep the natural beauty of our Island and not allow any new buildings on any coast line in Jersey. As this is for all of us to enjoy not the wealthy who will decimate our wonderful Island just for profit.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd7	Anonymous	Strongly Agree	It is vital to take everything into consideration when protecting our coastline.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of amendment	Minister's initial response
Island Plan 2011: revised draft revision – approval (P.37/2014) – sixth amendment	Deputy John Young	Shoreline Zone policy BE4	<p>Change the Shoreline Zone pre-amble 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 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, topography, landscape features and wider landscape setting. <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</p>

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.

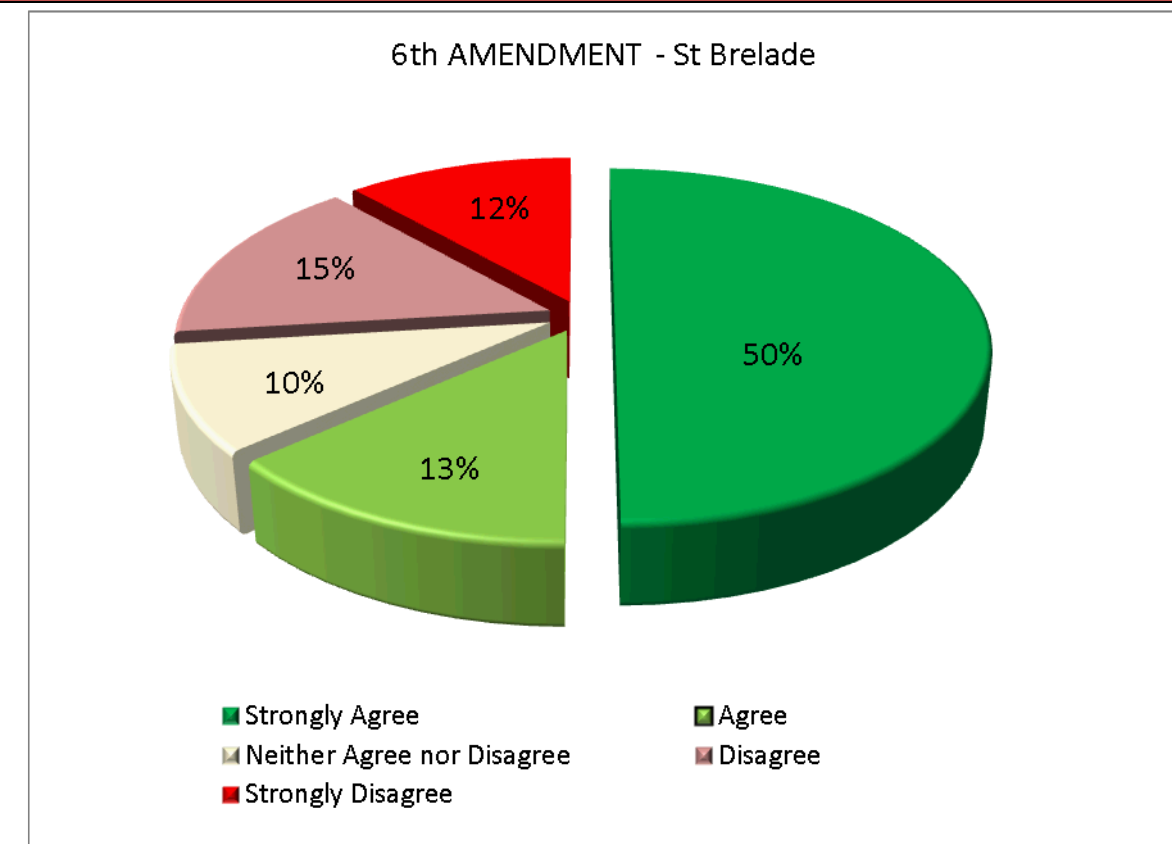
In this respect, the Minister must express some disappointment that whilst the amendment to include this proposal in the Plan was sponsored by local St Brelade's representatives, the initial enthusiasm to pursue it has not been sustained at a local level post-adoption and only now, appears to have been 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.

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.

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.

Consultation Response to Amendment

	% Total	% Answer	Count
Number of Responses	96%	-	52
Strongly Agree	48%	50%	26
Agree	13%	13%	7
Neither Agree nor Disagree	9%	10%	5
Disagree	15%	15%	8
Strongly Disagree	11%	12%	6
[No Response]	4%	-	1
Total	100%	100%	53



Ref	Consultee	Response	Reasons	
amd8	Christina Morgan	Strongly Agree	In areas of specific natural beauty, where housing and commercial development is allowed it is only right and proper that those developments which are allowed to go ahead are ONLY given permission where they do not detract in any way from the quality of the environment in which they are built. As there will always be disagreement as to what detracts and what does not, one person's iconic building is another's ghastly carbunkle, perhaps an independent tribunal could adjudicate on disagreements.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above. The Minister has legal authority to determine planning applications under law, having regard to all material considerations.
amd7		Strongly Agree	It is our duty to protect this beautiful bay for the future and not ruin it with over development	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

amd53		Strongly Agree	For the reasons stated above	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd49	Celia Scott Warren	Strongly Agree	The beauty and character of St. Brelade's Bay needs to be maintained and if possible enhanced, and therefore I strongly support this proposed amendment.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd40	Mary (Moz) Scott	Strongly Agree	<p>Although I agree with this amendment as going in the right direction, it does not go far enough to preserve the character of one of the most important seaside areas in the Island that is loved by many people living outside St Brelade as well as within the parish. This is because the 'visual impact' in paragraph 4 could be interpreted as only referring roughly to height or size and there is no obligation for a new building to conform with the predominant style of the buildings currently dominating St Brelade's Bay (paragraph 4 only applies to extensions).</p> <p>The predominant style might be referred to as buildings with Shaker or New England style characteristics, incorporating gables and timber cladding. This amendment, as currently drafted, would fail to prevent every building in St Brelade's being replaced with a modern, flat roofed or 'iconic' modern building, giving St Brelade's Bay the appearance of a mini-Dubai.</p> <p>The majority of residents in St Brelade's have bought their homes because of the existing character of the bay and are respectful of the restrictions already in place to preserve that character. Non-residents of St Brelades working hard in the Island's finance industry currently have some rest and respite when they go to places like St Brelade's Bay, partly because its environment doesn't consist of buildings like office blocks that remind such office workers of work.</p> <p>The approval of the apartment blocks at Portlet Bay caused an outrage because their style, along with their size, changed the character of that bay in a way that seemed to be influenced more by the developer than the general environmental values of Islanders. Planning appear to have been operating with a policy that, because an area has had buildings erected in it, those buildings can be replaced with any style of building, wherever they are situated. Such a Planning Policy is, at best, not adequately defined and, at worst, undemocratic.</p> <p>This amendment should therefore not only be accepted but extended to include restrictions and specifications on visual style, designed to preserve the overall visual architectural appearance of the bay, more precise restrictions on height and the number and position of any iconic modern/Art Deco style buildings in the bay. A proper architectural character study of St Brelade's Bay, along the lines of that conducted by William Miller for St Helier would be of assistance in this respect, as would the involvement of residents in the Bay in the planning policy for St Brelade's Bay (other developed iconic coastal areas of the Island would benefit from a similar policy).</p> <p>Whilst I appreciate the preference of Planning to operate within broad guidelines, the result at Portlet Bay argues for a more restrictive policy for St Brelade's Bay from which exceptions could be sought through a more democratic consultation process.</p>	<p>Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.</p> <p>The process of developing planning policy, as well as determining planning applications, is entirely open and transparent; is open to public engagement; and is ultimately vested in elected politicians who are charged with making decisions that are in the public interest.</p>
amd38	lisa wallser	Strongly Agree	<p>Over development will destroy the beauty of this amazing area of Jersey it must be protected at all costs it is already over developed.</p> <p>it is a shame that some built up areas could not be returned to nature or park area to real enhance th area further.</p>	<p>Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.</p> <p>Parts of the bay already enjoy the status of protected open space, around the churchyard; at Winston Churchill Park and other public areas include the Promenade Gardens; the promenade itself, as well as the beach and there are also footpaths to and around adjacent headlands giving access to wider coastal footpath networks.</p>
amd31		Strongly Agree	We need to make our shore line as neat as we can not allow just for profit development as they will squeeze to much in to small a space just to make more profit and they have no concern over how it looks.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd29		Strongly Agree	Either we believe in a beautiful place to live or we should throw away the concept of an Island Plan completely. The Deputy's argument is cogent and in line with the thinking of many Jersey people.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd26		Strongly Agree	St Brelade is so over-developed, this shore line is vital for it's beauty. Any and	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the

			every attempt should be made to preserve and protect this important space for future generations. Lets try to avoid hideous modern structures like we have elsewhere in Jersey and stick to attractive and traditional styles.	response from the Minister to this amendment as set out above.
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Strongly Agree	It is not only the Shoreline Zone that needs greater protection. The Minister's decision on Camellia Cottage has undermined not only policy BE 3 (The Green Backdrop Zone) but also the requirement for architectural design to be in the local context (Policy SP 7). 'Eclectic' (anything goes) forms of architecture are now acceptable in Gorey and presumably everywhere else.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd22	Sarah Ferguson	Strongly Agree	The Planning Department appear to be wilfully ignoring policies set out in the Island Plan and the evidence is plain to see in some of the approved developments in the Bay. If the Department will not comply with policy then the policy must be made tighter.	Comments noted Dissatisfaction with the outcome of particular planning decisions, and the weight accorded to potentially conflicting material considerations, should not necessarily be misconstrued as a failure to consider and apply relevant planning policies. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd21		Strongly Agree	Curb gross volume developments be they new or rebuild or extensions.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd1		Strongly Agree	There always seems to be a reason for eroding the countryside/shoreline and anything that can increase the level of protection should be welcomed. I am however, concerned about the words 'significant adverse impact'. The word significant has different meanings to different people and would prefer if that word be dropped.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd9		Agree	but as always its subject to individual interpretation and which makes consistency difficult, also we should just be stuck in the past of granite "only" development	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd48		Agree	Sensible proposition.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd20	Chris Lamy	Agree	There are so many eyesores already in St Brelade's Bay that we will never be able to right the wrongs for several generations. Therefore as in 4.100 of Deputy John Young's proposed amendment each new planning application can be judged upon its merits within the Policy BE4 Shoreline Zone	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd2		Agree	This bay should remain for the people & not turned into a millionaires estate ie walls etc stopping views ('bus lady' in St Aubins comes to mind) & access.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd17		Agree	Thought should be given to the acceptance of sub ground level development which might free up square footage above, such as subterranean garages or pools. A quid pro quo allowance should be made.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd3	Gino Risoli	Disagree	Same as my previous answer.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd28		Disagree	I'm afraid this bay is now too over-developed for this amendment to make much difference. As long as ample public access and views are preserved as now, I don't see making landowners lives any more difficult than necessary helps.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd46		Disagree	Developments should be judged on its merits and in certain cases a larger building may well fit in with the surroundings.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd13		Strongly Disagree	This section should not be touched as it is of historical interest and many Jersey people and visitors use the attractions and eating places in this area. Also the loss of parking for the Wayside cafe which is popular for locals and visitors all year round.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd34	Ken Arkley on behalf of Handpicked Hotels	Strongly Disagree	Hand Picked Hotels wishes to make known its strongest objections to the changes proposed by the amendment to the Shoreline Zone for St Brelade. These objections arise from concerns about the ability of Hand Picked Hotels to be able to effectively modernise, and improve its tourism assets in response to market requirements. The character and identity of St Brelade's Bay has been shaped by the interaction between the natural environment and the built environment that	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

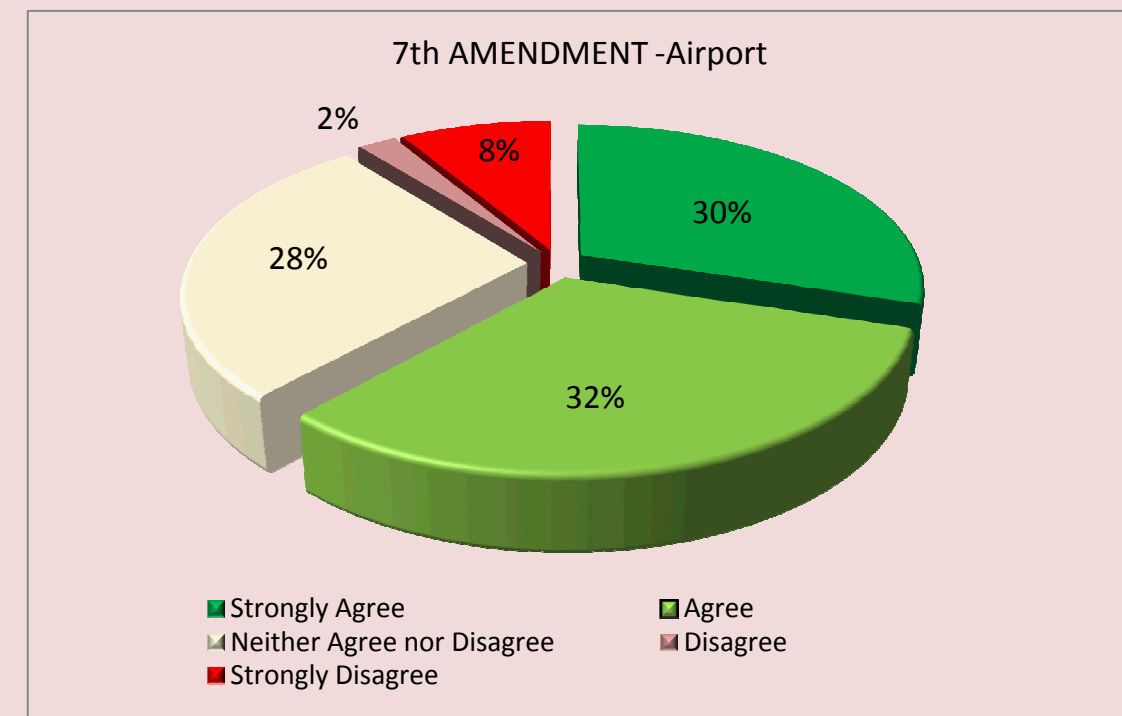
			<p>has been provided to enable residents and visitors to appreciate its natural beauty. The tourism/leisure industry is an important contributor to the social and economic fabric of the island and is also an important contributor to the cultural fabric of the community. It provides jobs, experiences and is part of island life. No-where more so than St Brelade's Bay, which is often described as the island's most beautiful bay. Hand Picked Hotels believe that the L'Horizon Hotel makes asignificant contribution to the social, economic character and cultural identity of St Brelade's Bay.</p> <p>The principles of the Island Plan 2011, which guide land-use decision-making in the island, require proposals for new development to demonstrate how the tests of meeting the sustainable objectives of the Plan have been achieved. This is not just about environmental protection and what development looks like; it is also about making sure that development takes place in the right location and how the Island Plan will protect and facilitate the maintenance, enhancement and provision of land and development opportunities to support the maintenance and growth of the Island's economy.</p> <p>The L'Horizon Hotel exists and responds to the needs of visitors and users; because of its location and the contribution the facilities provided by the Hotel enhance the experience of visitors and users. Hand Picked Hotels needs to be confident that the future needs of the Hotel are not ruled out as a matter of course because of its location. It is understood that the location of the L'Horizon Hotel requires that any changes proposed are developed with a great deal of respect and sensitivity. An important point to highlight is that it is not in the interests of Hand Picked Hotels to despoil the very location, upon which its very success depends.</p> <p>The company needs to be confident that it can adapt, modernise and respond to changes in customer and market requirements. There is a danger that future improvements will be stalled by a reluctance to invest if the parameters guiding change are too restrictive. This could eventually have a counter-productive effect upon the quality of the built fabric. Hand Picked Hotels believes that as proposed the policy changes will have a detrimental effect upon its ability to operate successfully. The presumption that any redevelopment must be smaller in terms of gross floorspace, building footprint or visual impact does not allow for development proposals that enhance the visual character of the area, but which do not meet these criteria. For example, there may be a requirement to replace a wing and increase its volume to enhance facilities or increase the number of bedrooms to remain viable. There is also concern that the policy as proposed unreasonably restricts the ability of dwelling owners to make reasonable, appropriate and necessary changes to their property. The requirement that any changes to a dwelling must be subservient and by inference smaller, does not allow for improvements and changes that may require an increase in floorspace, footprint or scale of a building. Echoing comments made in respect of commercial proposals, there is a danger that this part of the policy could be counter-productive and stifle investment in building fabric, thereby reducing the quality of the built-environment of the Bay.</p> <p>It is respectfully requested that the terms of point 4. of the proposed Shoreline Zone policy is amended to allow the Minister greater flexibility for changes to commercial premises and dwellings within the Shoreline Zone of St Brelade.</p>	
amd36		Strongly Disagree	<p>The Built Up Area of St Brelade's Bay is no different to other Built Up Areas along the island's coastline and there are no special circumstances why St Brelade's Bay is afforded extra protection along the lines of the Green Zone and the Coastal National Park. the policy is far too onerous on property owners in St Brelade's Bay and is an infringement on their property rights. the zoning of the Shoreline Zone in St Brelade's is just about right. Sufficient planning controls exist to ensure appropriate development is permitted and prevent unacceptable forms of development. With the level of restriction in the Green Zone and Coastal National Park, the Island can ill afford further restrictive policies which further prohibit development. st Brelade's Bay is</p>	Comments noted. The Minister is <u>not</u> minded to support this amendment. Please see the response from the Minister to this amendment as set out above.

			rightly zoned as Built Up Area and should be afforded a presumption in favour of development for residential purposes like all other Built Up Areas. if agreed, this will set a dangerous precedent for other settlements to be afforded similar protection.	
amd4	Peter Gosselin	Strongly Disagree	The bay is spoiled now, use it to satisfy the needs of those who only think of cost, not value.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd52	Nicolas Jouault	Strongly Disagree	If one looks across from Beauport headland the Bay looks very built up already, I see so reason to add any greater restrictions on property holders who want to improve their dwellings within current planning guidelines, there is no need for this amendment.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd55		Strongly Disagree	This is an over extension of the planning department's remit, if the building is not listed then there should not be more onerous control of redevelopment here than anywhere else in the island.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of amendment	Minister's initial response
Island Plan 2011: revised draft revision – approval (P.37/2014) – seventh amendment	Deputy John Young	Pre-amble to Policy NR8: Safety zones for hazardous installations	<p>This amendment seeks to change the pre-amble to this policy to state that:</p> <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>The Minister is <u>not minded</u> to support this amendment.</p> <p>The proposed amendment is unnecessary and inappropriate.</p> <p>Whilst the Minister generally supports the provision of allotments – and has other policy in the Island Plan which sets this out (@ Policy SCO6) - any proposed use of land should be properly considered within the context of a planning application, where all material considerations can be taken into account.</p> <p>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.</p> <p>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>

Consultation Response to Amendment

	% Total	% Answer	Count
Number of Responses	87%	-	47
Strongly Agree	26%	30%	14
Agree	28%	32%	15
Neither Agree nor Disagree	24%	28%	13
Disagree	2%	2%	1
Strongly Disagree	7%	9%	4
[No Response]	13%	-	6
Total	100%	100%	53



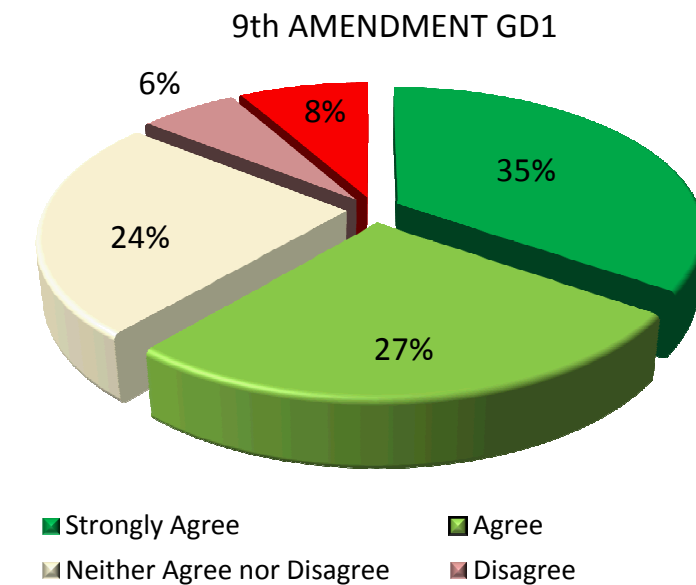
Ref	Consultee	Response	Reasons	Minister's response
amd1		Agree	Simply a sensible amendment	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the

				response from the Minister to this amendment as set out above.
amd21	Anonymous	Neither Agree nor Disagree	I don't feel I am qualified to comment.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd22	Sarah Ferguson	Strongly Agree	The airport must remember that it is part of the community and that it serves the community; there should be coexistence with the community.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Agree	A policy of providing land for public allotments is strongly supported	Comments noted. There is already a policy that supports and facilitates the provision of allotments in the Plan at SCO6: Allotments. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd26	Anonymous	Strongly Agree	We need space to play.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd28	Anonymous	Strongly Disagree	This is one of the more bizarre amendments. Quite how the additional (and hazardous to aviation) bird life which would be attracted by allotments could be properly controlled is beyond me. The consequence of an explosion into the Safety Zone, occupied by allotmenters at work, doesn't bear thinking about.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd3	Gino Risoli		Any development must be subject to open transparent discussions with very open access to the public.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd31	Anonymous	Strongly Agree	As it not in use all the time we must use all our free space to the best we can for everyone.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd33	Anonymous	Strongly Disagree	Members of the public should not be encouraged into such a zone nor should this land use be encouraged in such close proximity to an operational airfield.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd7	Anonymous	Strongly Agree	Health and safety is there to protect us all	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of amendment	Minister's initial response
Island Plan 2011: revised draft revision – approval (P.37/2014) – ninth amendment - Part (a)	Deputy John Young	General Development policy GD1	<p>Change scope of policy from:</p> <p>Does not 'seriously harm' the amenities of neighbouring properties' to;</p> <p>Does not 'materially harm' the amenities of neighbouring properties'.</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 new development has an impact on neighbouring properties and the test used to determine whether or not the impact of such development is acceptable.</p> <p>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.</p> <p>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.</p> <p>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 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 style="text-align: right;"><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 style="text-align: right;"><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>Policy GD 1 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 style="margin-left: 40px;">a. not unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy;</p> <p style="margin-left: 40px;">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>

Consultation Response to Amendment

	% Total	% Answer	Count
Number of Responses	91%	-	49
Strongly Agree	31%	35%	17
Agree	24%	27%	13
Neither Agree nor Disagree	22%	24%	12
Disagree	6%	6%	3
Strongly Disagree	7%	8%	4
[No Response]	9%	-	4
Total	100%	100%	53



Ref	Consultee	Response	Reasons	Minister's initial response
amd21	Anonymous	Strongly Agree	"Materially" is more conservative than "seriously" and the onus should be on the "developer" not to reduce overall pleasure (for his / her gain only).	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd22	Sarah Ferguson	Strongly Agree	Too often the Planning Officers appear to ignore the policies and inflict developments on the public which normal common sense would dictate are unreasonable. I have already mentioned St Brelades Bay but this also applies to many of the semi urban sites round the Island. Camellia Cottage in Gorey springs to mind. As an example, the green backdrop zone is given great importance in the Island Plan but it appears to be ignored by off island architects and by the officers.	Comments noted. Dissatisfaction with the outcome of particular planning decisions, and the weight accorded to potentially conflicting material considerations, should not necessarily be misconstrued as a failure to consider and apply all relevant planning policies. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Strongly Agree	This amendment clarifies and strengthens this important policy	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd29	Anonymous	Strongly Agree	'materially' is measurable and therefore more useful, 'seriously' is subjective and therefore useless in trying to give any certainty or guidance in decision-making.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd38	Lisa wallser	Strongly Agree	Yes, I agree there has been far too much development that has been allowed that does affect the value of existing neighbouring property.	Comments noted. Impact on value is not a material planning consideration. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd49	Celia Scott Warren	Strongly Agree	I support the efficient use of resources and a greater protection for our natural and historic environment. I continue to support a third party's right not to be adversely affected by a proposed new development. The impact on agricultural land is an important consideration. I also support where appropriate a reduced dependence on the car, and accessibility for all, including people with mobility difficulties. There should not be development which would lead to unacceptable problems regarding increased traffic. Safety issues and sufficient space for parking are important considerations. I support a high quality of design to maintain and enhance the Island's character and appearance.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd53	Anonymous	Strongly Agree	Particularly agree proposal 2.1.and 4.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd1	Anonymous	Agree	There always seems to be a reason for eroding the countryside/shoreline and	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the

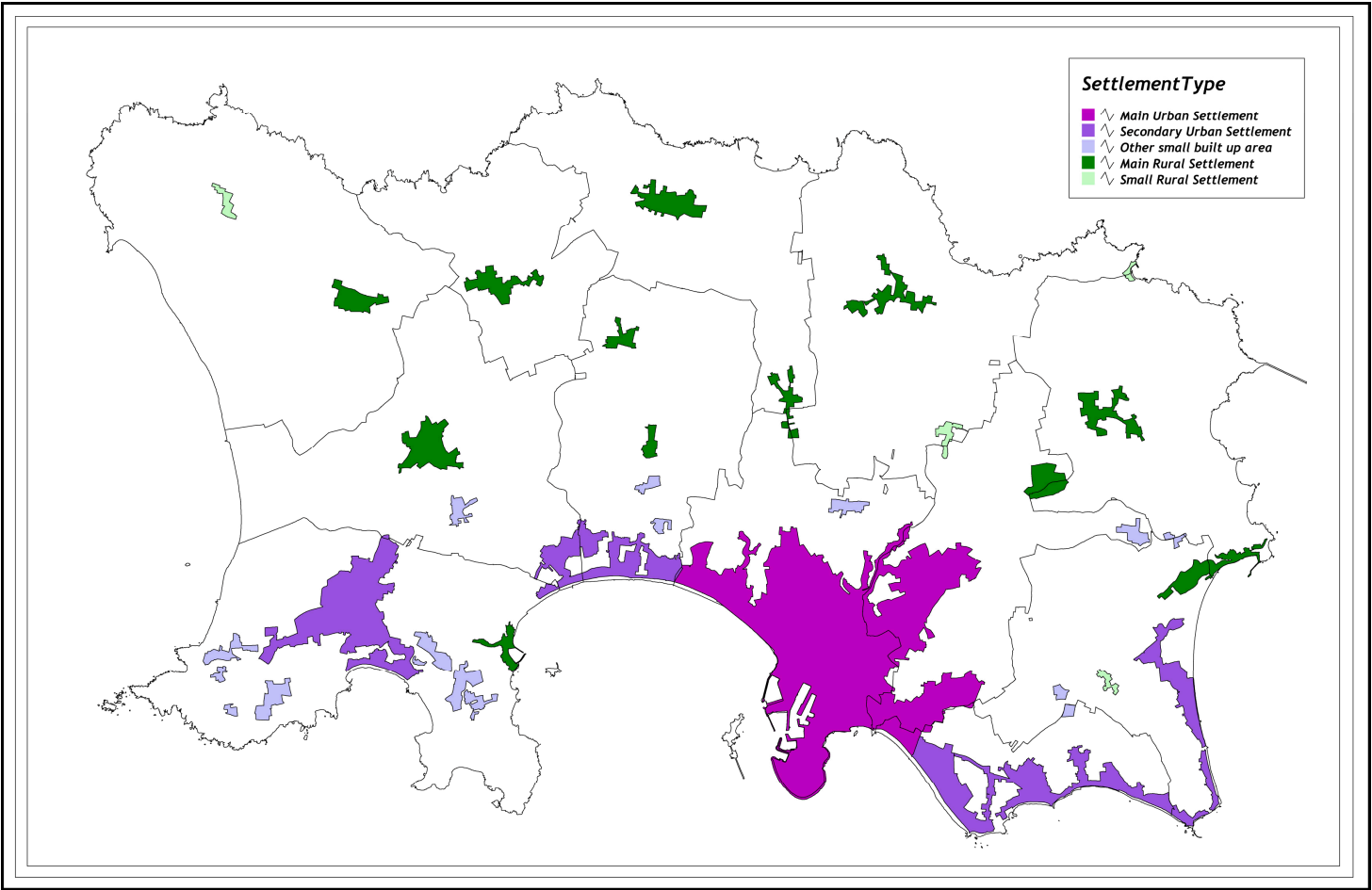
			anything that can increase the level of protection should be welcomed. It would however, prefer the allowing of higher rise buildings elsewhere in order to conserve land.	response from the Minister to this amendment as set out above.
amd26	Anonymous	Agree	Sounds amazing, but I'm not sure we have enough room to meet all of these ideals. I do believe we need to protect what we have and not just sell out to big developers. even if they offer 'art' etc. as part of the package. Less apartments in grand developments as sweeteners to States members, and more concern for the environment of island and lives of islanders would be good!	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd31	Anonymous	Agree	sounds fair enough	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd40	Mary (Moz) Scott	Agree	I am sure most owners and occupiers of lands wouldn't want their amenities to be harmed by development other than in a trivial way. 'Materially' is a word recognised more in case law than 'seriously' and probably makes that distinction more effectively.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd8	Christina Morgan	Agree	"Materially" is a much less ambiguous term. While still very subjective it is generally defined as change which is significant and has a noticeable impact upon a current situation.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd9	Anonymous	Agree	But as always it's subject to individual interpretation and which makes consistency difficult. The proposed Esplanade Quarter (from Fort Regent) divorces the town from a view of St Aubins bay but this was ignored and the promised green patchwork of roofs left out of the scheme. So no point having policies which aren't consistently followed!	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd3	Gino Risoli	Neither Agree nor Disagree	Each case should be taken on merit and completely open to public scrutiny not just political scrutiny and that scrutiny must be pre decision making.	Comments noted. All planning applications are open to public scrutiny and comment prior to determination. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd25	Anonymous	Neither Agree nor Disagree	Semantics	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd6	Anonymous	Disagree	This proposal is just political posturing based upon semantics.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd17	Anonymous	Disagree	Really? The States are so inconsistent with their policies, fail to apply common sense and are too keen to control.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd28	Anonymous	Strongly Disagree	An attempt to dilute the protections and should be resisted. 'Seriously' is clearly a higher bar to clear than 'materially'.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd36	Anonymous	Strongly Disagree	With development opportunities being restricted to the Built Up Area, all development will materially affect a neighbour's privacy to some degree or other. For development to be unacceptable it must seriously harm a neighbouring property's amenity. This is the common test throughout the UK; otherwise very little development in towns and settlements would be able to be approved.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd52	Nicolas Jouault	Strongly Disagree	I see no need to be so pedantic regarding the wording as the explanations are easily understood by all.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of amendment	Minister's initial response
Island Plan 2011: revised draft revision – approval (P.37/2014) – ninth amendment – Part (b)	Deputy John Young	Policy GD2: Demolition and replacement of buildings	This amendment seeks to secure the retention of Policy GD2: Demolition and replacement of buildings	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>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.</p> <p>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.</p> <p>The deletion of this policy is supported by the independent planning inspectors as well as other development professionals.</p>

No.	Sponsor	Section / Policy	Summary of amendment	Minister's initial response
Island Plan 2011: revised draft revision – approval (P.37/2014) – ninth amendment – Part (c)	Deputy John Young	GD3 & proposal	<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 the types and densities of development, is developed for all of the built-up area.</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 the its urban areas – is achieved. 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 resources and infrastructure with an increasing and ageing population and the natural environment, using the ‘reduce, manage and invest’ framework will continue. In particular, 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>Relevant extracts from the 2011 Island Plan (emphasis added)</p> <p>p.15 ‘...the spatial strategy of the Island Plan is based on the following hierarchical sequence of principles:</p> <ul style="list-style-type: none"> • Development within the main Built-up Area of the Town of St Helier (2); • 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; • Development of brownfield land outside the Built-up Area, to meet an identified need and where it is appropriate to do so; • 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. <p>p. 16 Town of St. Helier</p> <p>....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...</p> <p>p.17 Other Built-up areas</p> <p>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</p>

development will generally decrease down the settlement hierarchy.

2011 Island Plan: settlement hierarchy



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:

Relevant extracts from the 2011 Island Plan (*emphasis added*)

p.31 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**.

Policy SP 7

Better by design

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**.

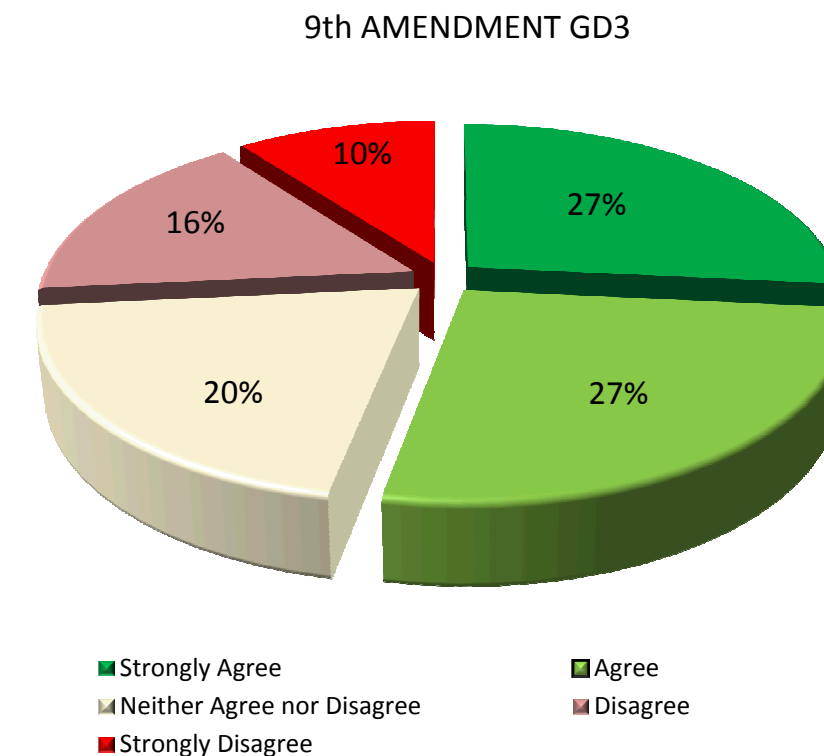
The various components of development, including:

- layout and form;
- elevational treatment and appearance
- density and mix
- scale: height and massing

				<ul style="list-style-type: none"> • <i>external elements, and landscaping; and</i> • <i>architectural detail and materials</i> <p><i>will be assessed to ensure that the development proposed makes a positive contribution to the following urban design objectives:</i></p> <ul style="list-style-type: none"> • <i>local character and sense of place</i> • <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 car pooling 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 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 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>
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Consultation Response to Amendment

	% Total	% Answer	Count
Number of Responses	91%	-	49
Strongly Agree	24%	27%	13
Agree	24%	27%	13
Neither Agree nor Disagree	19%	20%	10
Disagree	15%	16%	8
Strongly Disagree	9%	10%	5
[No Response]	9%	-	5
Total	100%	100%	54



Ref	Consultee	Response	Reasons	Minister's initial response
amd16	Paul Ellison	Strongly Agree	Nothing wrong with high rise as long as high quality management is in place and on site.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd21	Anonymous	Strongly Agree	Self-evidently right to conserve some of our islands character ... the island has a very high population density (one of the highest in the world) and allowing / encouraging high density development has been a catastrophe.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd22	Sarah Ferguson	Strongly Agree	My previous answers regarding the apparent propensity of the officers to ignore policy in a manner which appears to be to the benefit of the developers applies in this context as well. (See the ignoring of the green backdrop zone). There was a specific amendment to the original Island Plan 2011, Amendment 13, which incorporated P.15/1968 and the 1989 St Brelades Bay Development Plan. (It should be noted that the Planning Department had ignored both these policy documents, effectively disregarding a Policy decision of the States.) It should also be noted that the stipulation for an updated development plan for St Brelades Bay which was required in the 2011 amendment has still not been formulated by the Department. As a result this particular amendment is urgently required.	Comments noted. Dissatisfaction with the outcome of particular planning decisions, and the weight accorded to potentially conflicting material considerations, should not necessarily be misconstrued as a failure to consider and apply all relevant planning policies. The Island Plan amendment 13 has been adopted into the Plan at Proposal 14: Local Development Plans, in so far as it relates to St Brelade's Bay. The Department of the Environment has not ignored previous documents but would question the extent to which they remain material given their age; changed circumstances; and the subsequent adoption of at least two Island Plans. The development of SPG for St Brelade's Bay requires engagement and commitment from the local community and its representatives, which has faltered since the adoption of the 2011 Island Plan and Proposal 14: this is dealt with in the Minister's response to amd 6. The Minister is not minded to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd31	Anonymous	Strongly Agree	The planning should always protect the natural beauty of our Island ahead of financial gain.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd38	Lisa wallser	Strongly Agree	Yes I agree, there is too many dense developments allowed this has to stop. People need green open space. Just look at Le Marais and Le Squez and the surrounding areas for example.	Comments noted. Development at a higher density does not preclude the provision of open space: if anything, it increases the requirement to provide and enhance open space provision. The Minister is not minded to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd40	Mary (Moz) Scott	Strongly Agree	This amendment helps to address the concerns I raised with respect to the 6th Amendment, in particular, the need for planning policies to respect the predominant styles in different localities of the Island, so that places like St	Comments noted. Architectural style is not the only determinant of character. All residents have had the opportunity to engage in the Plan-making process.

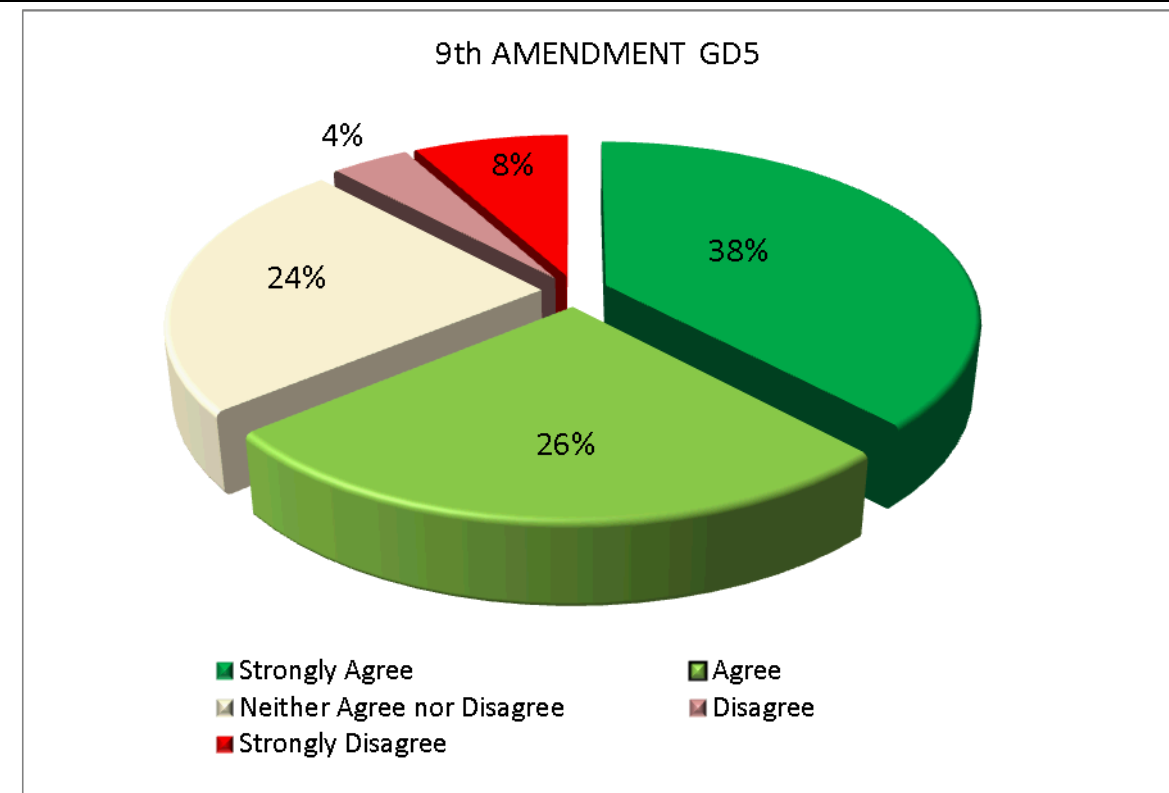
			Brelade's Bay cease to be in danger of looking like Milton Keynes-on-sea if existing Planning policies fail to define the character of areas better. As evidenced by the blocks of flats at Portelet Bay, Planning appear to have been operating with a policy that, because an area has had buildings erected in it, those buildings can be replaced with any style of building. This Planning Policy fails to take into account the position of residents in the relevant area, who will have bought their homes because of its existing predominant architectural character, as well as Island wide perception of what defines the character of its most popular areas. The lack of definition and specifications on the matter of architectural character and style, has led to widely unpopular decisions, which beg for a more democratic and transparent planning process. For this reason, the amendment would benefit from adding the words 'including, without limitation, the predominant architectural style in the relevant area)' after the word 'character' and the phrase 'character of the area' respectively. As mentioned earlier, a proper architectural character study of iconic areas promoted to tourists, along the lines of that conducted by William Miller for St Helier would be of assistance in this respect, as would the involvement of local residents in formulating planning policies that affect their residential areas.	The Minister is not minded to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd49	Celia Scott Warren	Strongly Agree	This is important in order to keep and enhance the special characteristics of our urban, suburban and rural settlements. It will benefit each community's environment.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd1	Anonymous	Agree	Simply a sensible requirement.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Agree	The amendment provides improved clarity in the purpose and requirements for the implementation of this policy.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd26	Anonymous	Agree	We do not need large, ugly housing estates, but we do need to carefully consider the quality of life of the residents in areas of town that everyone wants to develop, without asking the residents how they feel. Town residents are people too, and many are even local! They need a voice. When it comes to redeveloping town, the emphasis should be on the resident's feelings, not those of people in outlying areas, even if they do have more money - they don't matter more!	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd29	Anonymous	Agree	High density cannot easily be reconciled with reasonableness, so 'appropriate' has certain logic to it than will improve the effectiveness of the policy as a sustainable one.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd2	Anonymous	Neither Agree nor Disagree	Traffic & pedestrian safety should be thought of	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd53	Anonymous	Neither Agree nor Disagree	It must be appropriate to the setting of the development	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd3	Gino Risoli	Disagree	Every case deserves scrutiny.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd6	Anonymous	Disagree	More meaningless verbiage.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd17	Anonymous	Disagree	I don't believe there is a Minister alive with sufficient foresight and common sense to implement this policy.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd36	Anonymous	Disagree	Again, this policy amendment is seeking to constrain development in the Built Up Area. the island has to choose either no development in the countryside, meaning it has to have a more flexible approach in the Built Up Areas, allowing higher densities, otherwise it must allow development in the countryside in order to satisfy the ever increasing demand for housing. Previous Island Plans and UK Local Plans routinely amend the boundaries of the Built Up Areas to enable open market housing. This did not occur with the 2011 Island Plan. Indeed over 100 acres were removed from the Built Up	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

			Area. Again, this Review has not amended the boundaries, meaning the only option is to increase densities.	
amd13	Anonymous	Strongly Disagree	In respect of redevelopment of land for residential purposes i.e. former agricultural land should NOT be used for redevelopment and should go back to agricultural use. (Such as Samares Nurseries) The owner/owners are trying to get as much as possible for this site and should not be developed and this would affect the Inner Road in St Clement and have an adverse effect for the Schools in the area which are oversubscribed. Are you going to build new primary and secondary schools in the area? The best policy would be to build in the more country areas of St Martin, St Mary, Trinity, St Ouen.	Comments noted. Policy H5 in the current 2011 Island Plan, Housing in Rural Centres, provides the policy vehicle to develop housing in the Island's rural centres, such as St. Martin and St Ouen, and which is also further facilitated by the Minister's proposed changes to the Plan. The Department of Education, Sport and Culture have advised that those schools that would be impacted by the development of new homes have sufficient capacity, either through direct provision or management of catchments. The Minister is not minded to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd4	Peter Gosselin	Strongly Disagree	Jersey has no iconic buildings after the second war; we need something to show that we have a nodding recognition of the 21st century.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd52	Nicolas Jouault	Strongly Disagree	The Minister does not appear to abide by any guidance so fiddling about with minor details of certain wording is going to have no affect on what building work is undertaken.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of Amendment	Ministers' Response
Island Plan 2011: revised draft revision – approval (P.37/2014) – ninth amendment – part (d) ²	Deputy J Young	Skyline, Views and Vistas policy GD5	Part (d) of the amendment is to amend Policy GD5 - Skyline, Views and Vistas to replace the word " seriously " with " materially "	<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. 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>

Consultation Response to Amendment

	% Total	% Answer	Count
Number of Responses	93%	-	50
Strongly Agree	35%	38%	19
Agree	24%	26%	13
Neither Agree nor Disagree	22%	24%	12
Disagree	4%	4%	2
Strongly Disagree	7%	8%	4
[No Response]	7%	-	3
Total	100%	100%	53



Ref	Consultee	Response	Reasons	Minister's initial response
amd16	Paul Ellison	Strongly Agree	Planning consent to be required for hedges (leylandi) over 10ft high. Landowners to have a duty to lop to required height unless planning approval obtained. Leylandi are blighting people's views and taking away natural light. There is no difference between a wall over 10ft and a Leylandi hedge: The same rules in respect of planning should apply. Jersey is too small to allow Leylandi in a residential setting.	<p>Comments noted.</p> <p>Comments noted.</p> <p>There is no requirement for consent to be secured for hedges that are over 10 feet in height: this is a misrepresentation of the High Hedges (Jersey) Law 2008. This law states that for a hedge to be deemed to be a high hedge (and thus be subject to the provisions of the law) it has to be, amongst other things, at least two metres high.</p> <p>The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.</p>
amd19	Michael du Pre	Strongly Agree	In the case of the building of the Le Hocq headland, a one storey house was transformed into a three storey monstrosity. This could not be challenged because the original photos relating to the skyline could not be found. At the time the Minister said that we would learn from this. It is all very well seeking to protect and enhance but useless if there is no documentation to show what was in existence before development.	<p>Comments noted.</p> <p>Planning applications are considered on their individual merits and assessed on the basis of information that is required to be provided as part of a planning application, and which should be sufficient to enable the application to be properly assessed.</p> <p>The redevelopment of Lezardrieux (RP/2005/0456) was approved under the auspices of the 2002 Island Plan, which had no explicit 'skyline' policy.</p>

² [http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.037-2014Amd\(9\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.037-2014Amd(9).pdf)

				The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd21	Anonymous	Strongly Agree	See previous answers / comments ... it is often the volume that devastates, unexceptional design (of which far too much) becomes ugly, gross and horrid and again and again ruins an area.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd22	Sarah Ferguson	Strongly Agree	My previous comments apply to this amendment as well. Two or three years ago the Department described the eastern end of St Brelades Bay as : "" the grain and general style of development along this part of St Brelades Bay is of a more intimate form, with relatively modest units set within reasonable curtilages with no single property standing out from its neighbours." Whilst there have been developments in the Bay which are contrary to previous stated policies, it is still possible to preserve the character of the major part of the Bay. This policy is an important part of the preservation of the character of the Bay and deserves support.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Strongly Agree	The Council for the Protection of Jersey's Heritage (CPJH) proposed in the review of the Island Plan (IP) that an additional policy is required for the protection of historic, rural and coastal landscapes. This proposal was rejected on the grounds that existing policies contained in the present IP provide sufficient protection in themselves. Ministerial planning application approvals at Plemont and Camellia Cottage demonstrate that this is a false claim. Policy GD 5 essentially concerns the protection of important landscapes. In view of the continuing lack of a policy designed to protect important landscapes, streetscapes and seascapes Policy GD 5 needs to be strengthened by this proposed amendment.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd26	Anonymous	Strongly Agree	However it's a bit late. There are so many hideous buildings along the waterfront and townscape. They blot out the sun, the sea and the romance of Jersey. Surely our whole island cannot be given away to large developments and banks for money. Where is our integrity and honesty? Do we have any? People come to Jersey because it is supposed to be beautiful-it looks like anywhere else in UK. What is left of the definitive 'Jersey'?	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd29	Anonymous	Strongly Agree	As explained above, 'materially' is measurable and therefore more likely to be useful. 'Serious' is too objective.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd31	Anonymous	Strongly Agree	Too much has already been spoilt lets save what we have left.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd40	Mary (Moz) Scott	Strongly Agree	'Seriously' is too subjective and has failed to prevent developments like the apartments at Portelet Bay	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd48	Anonymous	Strongly Agree	Further developments as carried out for the ruination of Portelet Bay must be halted. The skyline was completely ruined by the apartments at the top of the bay.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd49	Celia Scott Warren	Strongly Agree	This change of wording is a safeguard and in my opinion is necessary in order to give increased protection for Jersey's important vistas and strategic views.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd1	Anonymous	Agree	As above.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd17	Anonymous	Agree	Shame this wasn't considered when the States allowed the demolition of the Forum cinema and insisted on keeping the Odeon which is truly ugly. Or indeed the ruination of Portelet.	Comments noted. The former Odeon Cinema has simply been Listed to reflect its heritage value as a rare example, within a UK context, of a surviving 1950s post-war cinema: the aesthetic quality of the building is not material to its heritage value. It remains in viable use as a community centre. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd8	Christina Morgan	Agree	"Materially" is a much less ambiguous term. While still very subjective it is generally defined as change which is significant and has a noticeable impact upon a current situation.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd9	Anonymous	Agree	Is this covered in the earlier question? But as always it's subject to individual interpretation and which makes consistency difficult. The proposed Esplanade Quarter (from Fort Regent) divorces the town from a view of St Aubins bay but this was ignored and the promised green patchwork of roofs left out of the scheme. So no point having policies which aren't consistently followed!	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd25	Anonymous	Neither Agree nor Disagree	Semantics - who defines materially?	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd32	Anonymous	Neither Agree nor Disagree	It matters not how the Policy is phrased because we all know that as soon as a developer pays the right "fees" they get what they want!	Comments dismissed and ignored as unsubstantiated and vexatious

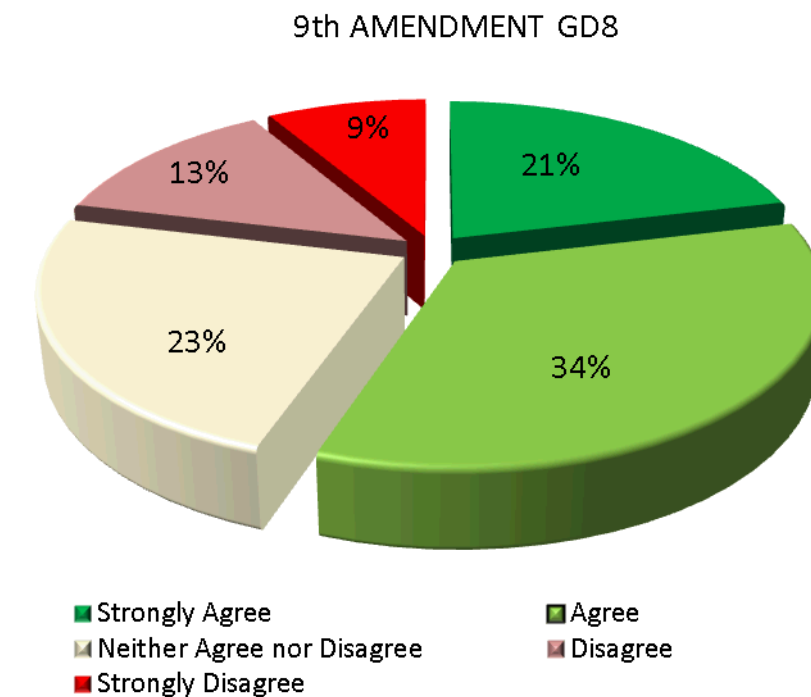
amd6	Anonymous	Disagree	See previous comments	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd28	Anonymous	Strongly Disagree	Please see my earlier comments around this change of terminology.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd52	Nicolas Jouault	Strongly Disagree	Given that the Government allowed and endorsed the building of the energy from waste plant in a very visual area against such guidelines this tinkering with words appears to be a total waste of everybody's time.	Comments noted. The development of the Energy from Waste plant at La Collette (PP/2007/0050) was approved under the auspices of the 2002 Island Plan, which had no explicit 'skyline' policy. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of Amendment	Ministers' Response
Island Plan 2011: revised draft revision – approval (P.37/2014) – ninth amendment – part (e) ³	Deputy J Young	Percent for Art policy GD8	Change scope of policy from public art to include environmental and community purposes.	<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>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>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 of new development are avoided, where it is reasonable and appropriate to do so.</p> <p>1.20 ... 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.</p> <p style="text-align: right;"><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>

³ [http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.037-2014Amd\(9\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.037-2014Amd(9).pdf)

Consultation Response to Amendment

	% Total	% Answer	Count
Number of Responses	87%	-	47
Strongly Agree	19%	21%	10
Agree	30%	34%	16
Neither Agree nor Disagree	20%	23%	11
Disagree	11%	13%	6
Strongly Disagree	7%	9%	4
[No Response]	13%	-	6
Total	100%	100%	53



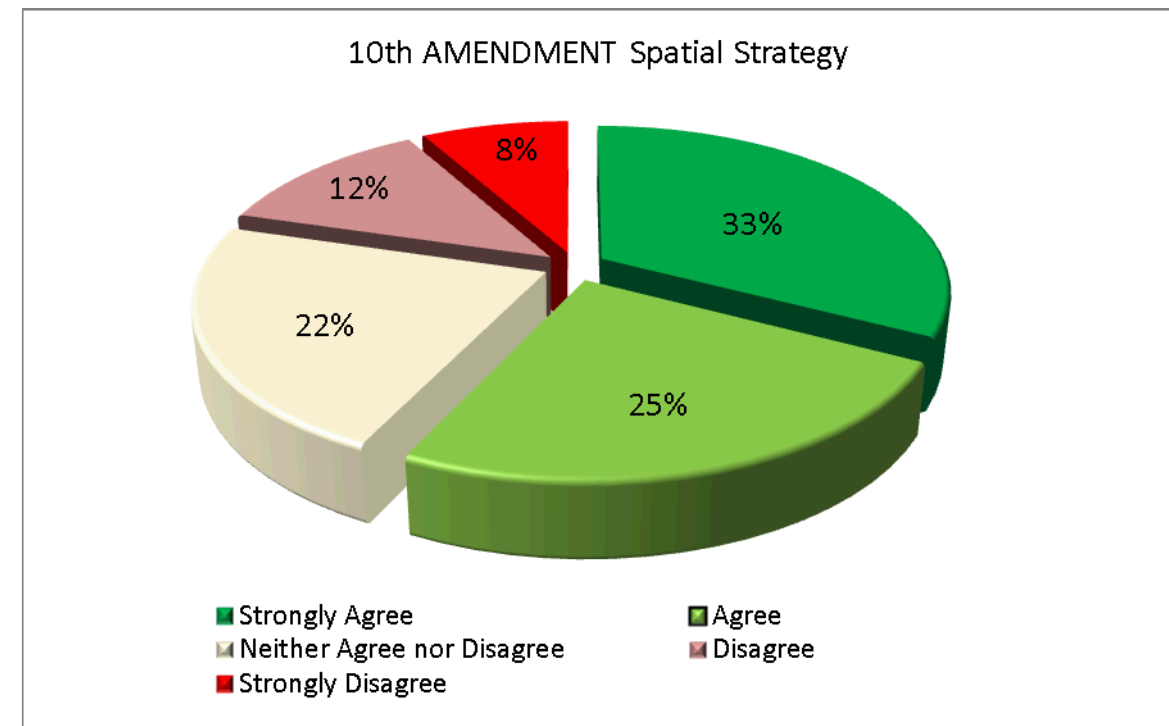
Ref	Consultee	Response	Reasons	Minister's initial response
amd49	Celia Scott Warren	Strongly Agree	I think the inclusion of an environmental or community purpose is an important addition which will enhance this policy and our Island.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd31	Anonymous	Strongly Agree	sounds fair	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd28	Anonymous	Strongly Agree	% for Art is one of the policies which is long overdue for review and where the "art" is generally only for the benefit of the occupiers of a particular development I fail to see how the public benefits from it.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd52	Nicolas Jouault	Strongly Agree	Sort of contradicts all the previous amendments, as it sort of states if you bung a few pounds to an artist or a project you can build what you like where you like.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd21	Anonymous	Agree	... but it feels like a fob off. Community sculpture / playground swing to momentarily distract from an otherwise ghastly environment.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd40	Mary (Moz) Scott	Agree	It could help the States save money.	Comments noted. The policy is based on a voluntary contribution from a developer, which could be public or private. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Agree	It is not clear to the public what percentage of design and development costs are eventually contributed towards public art. Some of the works of art provided have little significance. It is sensible to consider other public areas that could benefit from this contribution including environmental, community and heritage conservation purposes.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd19	Michael du Pre	Agree	Care must be taken not simply to look at a proposal and state that its design should be categorised as environmentally friendly when it would have had to have been so in any case.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd26	Anonymous	Agree	But it doesn't happen does it? We get some fish scape thing that is insignificant and does not compensate for the ugly mess they have built. We need radical new design that is attractive, fits in with OUR heritage and fulfils OUR needs. Town looks like any major town or city on UK....BUT WE ARE NOT UK....That's why people come here. We need to maintain our identity	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

			not sell out to big developers like DANDARA[the plague of Jersey]	
amd36	Anonymous	Agree	This amendment seems eminently sensible. Too much public art will result in saturation and be counterproductive. Community facilities and environmental improvements would probably be more useful to the general public.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd38	Lisa wallser	Neither Agree nor Disagree	Developments need green space not art I think it's a get out clause. Art is a very personal thing!	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd1	Anonymous	Neither Agree nor Disagree	A good idea but the cost is not going to be paid for by the developer.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd16	Paul Ellison	Disagree	You end up with tokenism - rather money went into good quality construction, design and finishes to buildings	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd20	Chris Lamy	Disagree	What one person believes to be art can be an eyesore to another.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd3	Gino Risoli	Disagree	It's a question of priority. Is art as important as helping struggling individuals in society? There is enough for all but some sectors of society cannot get enough. Let them pay.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd6	Anonymous	Disagree	Politicians should not be trying to micro manage individual responsibilities which they have previously devolved to Ministers	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd9	Anonymous	Strongly Disagree	Just an excuse to form a "slush" fund for favoured proposals and thus it needs to be strongly controlled always difficult in practice to execute and therefore is yet another hurdle to development	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd4	Peter Gosselin	Strongly Disagree	The strategy has failed dismally; corporate art is indistinguishable from scrap iron on a pedestal.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd22	Sarah Ferguson	Not given	I have never been sure of the rationale for these percentages for art. I am also confused by the fact that ownership remains with the developer. Surely this should pass to the States?	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of Amendment	Ministers' Response
Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment ⁴	Deputy J Young	Sustainable Development Policy SP1	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).

Consultation Response to Amendment

	% Total	% Answer	Count
Number of Responses	91%	-	49
Strongly Agree	30%	33%	16
Agree	22%	24%	12
Neither Agree nor Disagree	20%	22%	11
Disagree	11%	12%	6
Strongly Disagree	7%	8%	4
[No Response]	9%	-	4
Total	100%	100%	53



Ref	Consultee	Response	Reasons	Minister's initial response
amd16	Paul Ellison	Strongly Agree	This should not mean infill development in the green zone	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd19	Michael du Pre	Strongly Agree	The Minister should, before doing any of the above, call for a review of the current, future and long term infrastructural implications of any proposed development. Simply 'adding on' incrementally on the basis of current infrastructure (wherever it may be) is irresponsible. Transport (new roads, widening of roads etc.) has to play a big part in this; the enormous cost of doing this should be borne by a huge levy on potential developments and ring fenced accordingly.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd21	Anonymous	Strongly Agree	... but again feel that the pressure of population is driving the agenda, with greed pumping the accelerator. When the development 'tipping point' is reached (and the rate of new build is yet further out of control) the 'quality of life' will have become so poor (can anyone imagine it really getting worse?) that there will be nothing left to think of conserving, nothing to enjoy.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd22	Sarah Ferguson	Strongly Agree	The tenor of my answer to this is on the lines of my previous answers. Like many other members of the public I am tired of being ignored and of inappropriate developments appearing in highly attractive areas of the Island. Portelet springs to mind. Beauty is in the eye of the beholder and I, and many of my fellow islanders are totally fed up of gross monstrosities being foisted upon us. If it was me alone then it would perhaps be my eye at fault	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

⁴ [http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.037-2014Amd\(10\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.037-2014Amd(10).pdf)

			but it is not - many of my fellow islanders think the same.	
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Strongly Agree	Please see previous comments on the need for an additional policy on landscape protection.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd31	Anonymous	Strongly Agree	Let's keep our building in keeping with the natural beauty of our Island ahead of profit by the few. for the many who must live with the aftermath	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd38	Lisa wallser	Strongly Agree	I think enough of Jersey has been developed, I think there are plenty of dilapidated properties and sites that can be renovated Island wide. St. Helier is full of run down areas that need to be renovated but not with gigantic developments. Maybe a scheme could be set up to assist property owners to renovate their properties especially if they can assist in the social housing sector. What about all the properties that are gifted to the Island of Jersey, what is done with these properties, a list should be produced so the public can see the properties are being put to good use and we are getting a return on them. The Island of Jersey is losing itself; once it's been covered in concrete its natural beauty will be lost forever. No more development in jersey should be allowed until the sewage system has been renewed. The green houses should be restored so we can grow more of our own food, in the future, more crops are going to get destroyed with the changing environment food shortages are a certainty. We may need enclosed areas, so the environment can be regulated and in the interim they would make great allotment sites, who know what the future will bring. Also these restored greenhouses need solar panels to be incorporated to provide energy during the cold spells.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd40	Mary (Moz) Scott	Strongly Agree	This amendment helps to address the failure of current planning policies to respect the predominant styles and building density in places in the Island that are considered iconic and are promoted as places to be enjoyed by tourists. Failure to define character to take into account predominant architectural appearance has led to unpopular decisions such as the apartment blocks in Portelet Bay and a planning policy that appears to be undemocratic and in danger of changing the architectural character of popular locations in the Island completely. Planning appear to have been operating with a policy that, because an area is built up, more buildings can be erected in it, increasing its density, and buildings can be replaced, or added to, with any style of building. This Planning Policy fails to take into account the position of residents in the relevant area, who will have bought their homes because of its <i>existing predominant architectural character and relatively lack of building density, and can be seriously detrimental to the character of popular areas of the Island, as perceived by the public rather than planners. As mentioned earlier, a proper architectural character study of iconic areas promoted to tourists, along the lines of that conducted by William Miller for St Helier would be of assistance in residential coastal areas</i> , as would the involvement of local residents in formulating planning policies that affect their residential areas.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd49	Celia Scott Warren	Strongly Agree	This amendment is likely to maintain the character of these built-up areas and to maintain or enhance the sense of community.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd55	Anonymous	Strongly Agree	This principal is correct but only if the guidance is truly drawn with the active participation of the Parish concerned and then enforced by the planning department. Too often in the past Parish views and concerns have been completely ignored by planning	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd53	Anonymous	Agree	Please ensure the various stakeholders are representative of the all interested parties and not made up by a majority of parties with vested interest.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd20	Chris Lamy	Agree	We need guidelines in this area.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

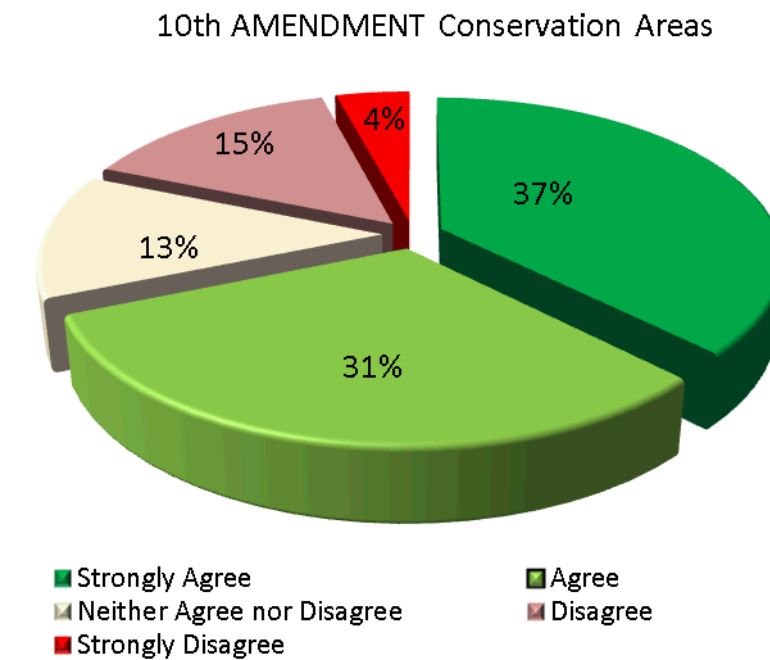
amd26	Anonymous	Neither Agree nor Disagree	By stakeholders do we mean Dandara again? Surely every Island resident is a stakeholder, not some UK/EU company here only to bleed money out of the economy? We can't let these people ruin our home. We all have a right to a voice and a place in the sun.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd3	Gino Risoli	Neither Agree nor Disagree	Well, it's a case of how transparent the planning process is.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd4	Peter Gosselin	Neither Agree nor Disagree	we are 25000 overpopulated, we should consider demolishing house and preventing further immigration	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd48	Anonymous	Neither Agree nor Disagree	Green areas must never be given over to housing.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd52	Nicolas Jouault	Neither Agree nor Disagree	Yawn	
amd1	Anonymous	Disagree	Too much power in the hands of the Minister.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd36	Anonymous	Disagree	Again, the Built Up Area provides the only opportunity for development in the island, and best use of the land is required to be made in order to satisfy the demand for housing.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd6	Anonymous	Disagree	More micro management	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd13	Anonymous	Strongly Disagree	The built up area outside of St Helier should NOT have any more houses built as you would have to build more schools (primary and secondary) and the roads would cope with more traffic on the roads (especially St Clements Inner Road). I suggest that you consider the less populated parishes for the houses and schools.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd28	Anonymous	Strongly Disagree	If we aren't going to build in the Built-Up Area, where are we? This would only make it more difficult and should be rejected.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of Amendment	Ministers' Response
Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment ⁵ part (c)	Deputy J Young	Conservation Areas policy GD8	Proposes completion of all identification and designation of Conservation Areas by end of Plan period	<p>The Minister is <u>not minded</u> to support this amendment.</p> <p>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.</p> <p>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 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 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 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>

⁵ [http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.037-2014Amd\(10\).pdf](http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.037-2014Amd(10).pdf)

Consultation Response to Amendment

	% Total	% Answer	Count
Number of Responses	89%	-	48
Strongly Agree	33%	38%	18
Agree	28%	31%	15
Neither Agree nor Disagree	11%	13%	6
Disagree	13%	15%	7
Strongly Disagree	4%	4%	2
[No Response]	11%	-	5
Total	100%	100%	53



Ref	Consultee	Response	Reasons	Minister's initial response
amd49	Celia Scott Warren	Strongly Agree	This is a change of wording which should ensure that the identification and designation of Conservation Areas are made a priority.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd31	Anonymous	Strongly Agree	sounds fair	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd21	Anonymous	Strongly Agree	... to try to stop the annihilation of that which must be conserved. S/he must please be bold and imaginative in designation and not kowtow to the greedy megaphone rich wanting larger more voluminous mega homes.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd40	Mary (Moz) Scott	Strongly Agree	This amendment is necessary but could benefit from the additional words 'take account of and' before 'complete'. The current drafting, using the word 'consider' fails to make the Minister accountable for implementing a policy that is his political responsibility and opens his position up to abuse, which is not in the interests of Islanders.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd24	John Mesch representing the Council for the Protection of Jersey's Heritage	Strongly Agree	The proposal to designate 'Conservation Areas' is overdue. CPJH has maintained its view that proposals contained in the IP have no force in law and have no place in the IP. A proposal is neither a policy, nor can it be an endorsed plan of action.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd29	Anonymous	Strongly Agree	This is a much more specific and effective approach, giving a clear target to do something, not just consider it!	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd38	Lisa wallser	Strongly Agree	Come on Minister the public want this completed you are voted by the Public and we want this done. Consider means nothing another get out clause. The environment needs you. Be brave and save it	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd53	Anonymous	Strongly Agree	It is very important to maintain the biodiversity of the island and contribute to the overall maintenance of a robust green zone.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd26	Anonymous	Strongly Agree	Conservation of beauty, natural habitat, tradition and character are the only way to protect the integrity of our island home.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd16	Paul Ellison	Agree	However - Little point if planning gain and economic benefit override conservation / listed status. If you allow concessions as at the Airport, Plemont and Esplanade the Planning process falls into disrepute.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd20	Chris Lamy	Agree	It would seem to be the appropriate time for the Minister to map out such areas.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

amd48	Anonymous	Agree	Once the minister, after consultation, has given a decision it must be adhered to.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd51	Nicholas & Madeleine Poole	Agree	ThisThis's needs to be achieved as possiblepossible	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd36	Anonymous	Agree	Conservation Areas have long been included in successive Island Plans, but their designation has never been completed.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd28	Anonymous	Neither Agree nor Disagree	I have no idea whether this could be "completed" within the period of the Island Plan send this should therefore be one for the department to judge.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd55	Anonymous	Disagree	I am not sure this would give sufficient time for the landowners affected to appeal against the designation if they felt this was necessary.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd3	Gino Risoli	Disagree	Each case on merit. I sometimes think today's architects must be frustrated by hanging on to the past as if we have nothing to contribute today.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd4	Peter Gosselin	Disagree	the minister(current) and his advisors are totally incompetent	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd46	Anonymous	Disagree	The identification and designation should be completed accordingly to the published criteria as soon as possible with the available resources unless the states are willing to increase the resources to enable completion within the new suggested time frame otherwise there is the risk of an incomplete/rushed job.	Comments noted. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.
amd52	Nicolas Jouault	Strongly Disagree	The Planning and Environment Department and conservation are not something that has any association; one would have thought Deputy Young would have been fully aware of that.	Comments dismissed and ignored as vexatious
amd22	Sarah Ferguson	Not Given	Whilst I am in favour of preserving our heritage I am also reluctant to allow the Minister and Officers to preserve areas and buildings in aspic. It is quite possible to renovate buildings using modern materials. There will be occasions when the old materials are essential - such as needing to use lime mortar on old buildings - but there are frequently occasions when modern materials are suitable. Pioneering work has been done in Scotland regarding this back in 2004 with Scottish Heritage.	Comments noted. The planning policy regime for Conservation Areas has already been considered and approved by the States when it approved the 2011 Island Plan (ref policies HE3 and HE4). The use of modern materials in historic buildings is assessed relative to each case: the DoE monitors and is mindful of best practice elsewhere with a view to its adoption and application in Jersey. The Minister is <u>not minded</u> to support this amendment. Please see the response from the Minister to this amendment as set out above.

No.	Sponsor	Section / Policy	Summary of amendment	Minister's initial response
Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment	Minister for Economic Development	Policy NE6: Coastal National Park; and Policy NE7: Green Zone	<p>This amendment seeks to remove the Minister's proposed changes to the policies for the Coastal National Park and the Green Zone.</p> <p>The outcome of the amendment would be to leave the existing policies, adopted in 2011, as they are.</p>	<p>The Minister is <u>not minded</u> to support this amendment</p> <p>The submission of this amendment is disappointing and the basis for it is flawed and without evidence, and cannot be accepted.</p> <p>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.</p> <p>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 the Island's most precious economic assets, which is the quality of its coast and countryside which these changes to policy are designed to better protect.</p> <p>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.</p> <p>And it is overblown and flawed, lacking any real evidence to support the claims used to justify the amendment.</p>
Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment - amendment	Deputy J. Young	Policy NE6: Coastal National Park; and Policy NE7: Green Zone	<p>This amendment to an amendment seeks to allow the Minister's proposed changes for the Coastal National Park (Policy NE6) to be considered.</p> <p>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.</p> <p>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 (@ 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.</p> <p>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> <ul style="list-style-type: none"> • 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 • 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 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.