

# General development

## Managing the health and wellbeing impact of new development

All new development inevitably leads to some form of impact upon how people perceive, interact with, and respond to the environment that surrounds them. Whilst this impact can be positive and mean that we are able to use land and buildings in a way that better meets the needs of individuals, the economy and society, there is a need to ensure that development does not adversely affect people's health and wellbeing or have wider amenity effects that erode community wellbeing. These considerations need to be applied in a proportionate and meaningful way, relative to the type of development proposal and where the development is proposed to take place.

The Minister for the Environment requires development proposals to appropriately respond to the published supplementary planning guidance which may be relevant to the proposal. This will support developers in ensuring that the health and sustainable wellbeing impact of development is properly considered and its impact managed and mitigated.

### **Policy GD1 – Managing the health and wellbeing impact of new development**

All development proposals must be considered in relation to their potential health, wellbeing and wider amenity impacts, and will only be supported where:

1. the development will not unreasonably harm the amenities of occupants and neighbouring uses, including those of nearby residents, and in particular, will not:
  - a. create a sense of overbearing or oppressive enclosure;
  - b. unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy;
  - c. unreasonably affect the level of sunlight and daylight to buildings and land that owners and occupiers might expect to enjoy; or
  - d. adversely affect the health, safety and environment of users of buildings and land by virtue of emissions to air, land, buildings and water including light, noise, vibration, dust, odour, fumes, electro-magnetic fields, effluent or other emissions.
2. it has regard to, and seeks to avoid or mitigate, the impact of the development on the needs of people with disabilities
3. in the case of land that is known, or suspected, to be contaminated, the developer has or will carry out a satisfactory investigation into the condition of the site and is required to undertake the appropriate treatment, remedy or removal of the contamination, at the appropriate time.

Consideration of these impacts will be made in light of all relevant supplementary planning guidance, as may be published by the Minister for the Environment.

## Community participation

When large-scale development proposals are made, they can generate interest from the community. It is important that we embrace this interest, and foster an environment in which citizens can speak and participate in matters that affect them, effecting positive change and outcomes to the benefit of wider society and the quality of the environment in which we all live.

A key requirement of the planning system, as established by the Planning and Building Law, is to achieve development that meets the needs of the community<sup>1</sup>. One of the most effective ways to support this is to actively involve the community in the design stages of development. This is of greatest importance when making plans for larger-scale development (10 or more homes or 400sqm floorspace and over), that will affect a large proportion of the community.

The planning system is specifically designed to involve the community in decision making, and this can be done through the submission of representations, attendance at hearings and the ability to lodge third-party appeals. Whilst this is an appropriate and effective means for community engagement in planning matters, it is also recognised that, often, the issues and concerns raised by the community are those which could have been considered and addressed by the developer had community engagement been undertaken at an earlier stage in the process.

Dealing with community concerns, issues and ideas in a constructive and proactive way earlier in the development process can negate the need for lengthy negotiations, delays, or the wait for third-party appeals to be made. This has the potential to streamline the process for determining planning applications and to lead to development that better responds to and meets the needs of the community.

### Proposal – Guidance for community participation

The Minister for the Environment will publish practice guidance to:

1. support developers in undertaking, responding to, and reporting pre-application community participation during the development of large-scale development proposals.
2. explain the various ways in which members of the public may participate in the planning application process, at its different stages. This will include details of how the process remains open, transparent and accessible for all.

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<sup>1</sup> Article 2 (2)(a) [Planning and Building \(Jersey\)\(Law\) 2002](#)

## **Policy GD2 – Community participation in large-scale development proposals**

Larger-scale development proposals, of 10 or more homes or 400sqm floorspace and over, must be subject to consultation with the community, prior to a planning application being made.

A community participation statement should be submitted as part of the proposal providing evidence of:

- the consultation that was undertaken, including who was consulted, on what, when and how the consultation was carried out; and
- how any feedback received from the consultation was taken into account in the formulation of proposals.

## **Developer contributions and obligations**

New development has the potential to support the social, environmental and economic sustainability of our island, but it also has the potential to burden it by placing additional strain on the physical and public services infrastructure that surrounds it. The planning process recognises and makes provision for this, requiring developers to enter into planning obligation agreements (POAs) to ensure that the impact of development upon community infrastructure can be mitigated and managed. These are legal agreements designed to ensure that development proposals will be acceptable in planning terms.

The use of POAs can be broad, so long as this remains within the scope defined by the Planning and Building (Jersey) Law 2002<sup>2</sup>, and where it can be justified as being necessary. The Minister for the Environment is committed to ensuring that these powers are used fairly, reasonably and proportionately and that all requirements for a POA are directly related to the proposed development.

When POAs are deemed to require a financial contribution, it is important that this is a form of 'cost recovery' (i.e. recovering the costs that the public would otherwise have to meet to support the development) and it is not designed to target developer or landowner profits, although sometimes it can reduce profits if this has not been factored into a developers calculation of development costs and land-price paid. To reduce the risk of this, developers should seek advice at an early stage to ensure that any additional requirements are factored into their development and land acquisition costs.

In 2017, the Minister for the Environment published supplementary planning guidance in relation to the use of POAs and whilst the guidance remains valid, it requires updating in response to the new policies created by the bridging Island Plan.

### **Proposal – Supplementary planning guidance – planning obligation agreements**

The Minister for the Environment will publish updated supplementary planning guidance in relation to the use of planning obligation agreements in response to the new policy requirements created by the Island Plan.

<sup>2</sup> [Article 25 Planning and Building \(Jersey\) Law 2002](#)

The Minister for the Environment also has aspirations to bring forward a 'Sustainable Communities Fund' over the course of the bridging Island Plan period<sup>3</sup>. The purpose of the fund is to capture a small proportion of land value uplift created as a result of the grant of planning permission, it will also provide an opportunity to revisit the use of POAs and reduce or simplify any cost recovery requirements. This will be undertaken as part of the delivery of the Sustainable Communities Fund proposal.

### **Policy GD3 – Planning Obligation Agreements**

Planning obligation agreements (POAs) will be entered into where they are:

- necessary to make development acceptable in planning terms;
- directly related to the development; and,
- fairly and reasonably related, in scale and kind, to the development.

Their use may be:

- to limit the use and occupation of the development in order to meet a specific identified need;
- to ensure that restoration of land **including infrastructure**, or other specific activity takes place, at a specified time;
- to secure the delivery of infrastructure or services, as may be deemed necessary, and which may include development on-site, off-site, or by way of a financial contribution that can otherwise secure its appropriate delivery; or
- for any other lawful reason that will ensure that the policy objectives of the Island Plan can be met.

Where there are cost implications associated with POA requirements, reasonable negotiations may take place in order to agree the means by which the requirements are to be delivered. Negotiations should not, however, lead to a lesser value outcome, and the agreed means must fully address the issues that will otherwise exist.

The developer will be required to meet the legal costs associated with making the POA.

Where the necessary terms of agreement cannot be agreed, planning permission will be refused.

## **Enabling or linked development**

Enabling or linked development is the term given to a development proposal that is in a location outside of a principal development site<sup>4</sup> but which is demonstrated to be necessary to make the principal development viable, or to manage or mitigate a planning impact of the principal development.

Examples of enabling or linked development include where additional development is required to enable a development that will lead to a significant environmental, community or economic benefit to the island, such as the delivery of key public infrastructure projects, Another example might be where upfront capital needs to be generated to make a significantly beneficial scheme viable, such as the restoration of land which is in a harmful condition. There could also be an element of 'cross-subsidy', in terms of planning gain,

<sup>3</sup> See Proposal: Sustainable Communities Fund in Volume two, Places

<sup>4</sup> The principal development site is the site subject to the main planning application being considered.

where development on one site is offset against improvements on a different site, such as when the loss of protected open space<sup>5</sup> has been accepted on the basis that it will be re-provided elsewhere.

Proposals for enabling or linked development will only be supported where the development, as a whole, will generate benefits for the island's long-term social, economic and environment sustainable wellbeing. Applications for enabling or linked development will also be required to demonstrate through submission of relevant information that:

- any financial gain arising from the enabling development will not exceed the investment necessary to make the principal development viable;
- additional off-site development is the 'last resort' in order to bring forward the principal development. Evidence of the alternative options explored must be provided alongside detailed reasoning as to why these alternative options are not feasible or viable.

Planning applications for enabling or linked development must be submitted and determined in tandem and planning obligation agreements will be used to ensure that the development at the principal site is delivered.

#### **Policy GD4 – Enabling or linked development**

Applications that propose enabling or linked development proposals will only be supported where:

1. it is agreed that relocating an existing use, in order to accommodate a new use, will lead to a significant environmental, community or economic benefit to the island;
2. it is agreed that a proportionate amount of development is required in order to raise a minimum amount of capital to make a significantly beneficial scheme viable;
3. the development is considered necessary in order to mitigate or manage the impact of another development that is of significant benefit to islanders; or
4. the development is considered necessary in order to deliver critical infrastructure

Enabling or linked development proposals will only be supported where:

- a. there is sufficient evidence to demonstrate that reasonable alternative options have been explored, and the development proposed represents that which will lead to the greatest benefit, or least harm; and
- b. overall, the benefit of accepting the development outweighs any harm

In those cases where the justification for the development is related to financial viability, the financial gain of the proposed development must not exceed that which is required in order to make the principal development viable.

A planning obligation agreement will be entered into to ensure that when enabling or linked development has been approved for a specific purpose, that it comes forward as part of the implementation of the planning permission which generated the need for it.

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<sup>5</sup> See Policy CI7: Protected open space in Volume three, Managing development

## The demolition and replacement of buildings

The Island Plan supports the re-use of existing buildings in the interests of minimising waste, reducing building obsolescence, increasing their longevity, and making best use of their embodied carbon.

The demolition of buildings can produce significant amounts of waste, placing a substantial burden upon the island's waste management and disposal sites. The Island Plan requires development to address the management of waste appropriately, focusing on the environmental benefits of waste minimisation before alternative measures are considered.

Buildings also contain embodied energy that is lost when demolition occurs. This, consequently, stimulates the need for additional energy to produce materials and construct a replacement structure. This loss and use of energy contributes to local and global carbon emissions and, therefore, needs to be carefully considered as part of the island's commitment to become carbon neutral. Before the demolition of buildings can be supported options to retain them, in-whole or in-part, through refurbishment or adaptation must be thoroughly explored.

Determining whether it is more appropriate to reuse or demolish existing buildings will always depend on the individual merits of the proposal. A reasoned and balanced judgement must be made in each case as to whether the wider benefits of a proposal, especially in terms utilising land in the most efficient and appropriate way relative to its location, its overall carbon impact and wider environmental gain, outweigh any adverse effects that may result. These include impacts on waste streams, economic viability and on the island's carbon footprint.

Proposals for the demolition and replacement of buildings must demonstrate, based on a holistic consideration of all of these factors, how it will represent the most beneficial option through the submission of evidence in support of any application. Such evidence should set out the expected environmental and sustainability benefits arising from the replacement of the existing building relative to the potential retention of the existing building and enhancement of its environmental performance. This information should be submitted as a statement of sustainability and form an integral part of the contents of a design statement<sup>6</sup>.

In respect of the evidence required to demonstrate the environmental and sustainability merits of the proposal, sustainability indicators should be applied to determine whether the demolition and replacement of a building, or its retention, is the most sustainable option overall. As a minimum a sustainability statement should address the following environmental factors, with supporting evidence, where appropriate:

- **the density of existing and proposed development** – consider whether the density of existing buildings on the site is optimal for the location having regard to the spatial strategy, the site context and whether or not the building can be appropriately extended or altered to optimise density, having regard to the intended/proposed use.
- **overall carbon impact** – consider whether the demolition and replacement of the building would lead to less or more carbon emissions than its retention and/or

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<sup>6</sup> see Proposal – Design statements and statements of sustainability, later in this chapter

extension and refurbishment to higher building and operating efficiency standards.

The estimation of emissions should have regard to its contribution to:

- emissions generated on-island through building materials and consumption of hydrocarbon fuels;
- consumption and dependence on bought-in energy supply and;
- emissions created off-island by the sourcing, manufacture and importation of materials.
- **amount of waste** - consider how the waste arising from the development has been minimised in accordance with the waste hierarchy, where the use of existing fabric, the re-use of materials, and its recycling is actively considered and maximised on-site as an integral part of the design and development process, which should be demonstrated through a site waste management plan.
- **materials and performance** - address how the design of the scheme has achieved optimal efficiency through the selection of materials, building services and water conservation measures, including sustainable surface water drainage systems.

Where economic viability is a key reason for requiring demolition, an assessment of the costings for the proposal, set against the costings for the building to be refurbished and/or extended, should be submitted for consideration. Robust evidence will be required in support of any case made that the retention and refurbishment of a building would not be viable.

Taking a whole life approach to buildings means prioritising our existing buildings by making refurbishment and reuse worthwhile. Such a fully sustainable approach to a low carbon future should see both the retention of the island's listed buildings and an improvement of their energy and carbon performance. This will help them remain useful and viable now, and in the future, by reducing building obsolescence and increasing their longevity.

### **Policy GD5 – Demolition and replacement of buildings**

The demolition and replacement of a building or part of a building will only be supported where it is demonstrated that:

1. it is not appropriate in sustainability terms, and/or economically viable, to repair or refurbish it;
2. the proposed replacement building or part of a building represents a more sustainable use of land having regard to the density of existing and proposed development, overall carbon impact, waste generation, and the use and performance of materials and services; or
3. there exists a demonstrable aesthetic and practical benefit to replace over refurbishment.

Applications for the demolition and replacement of buildings, or part of a building, must be accompanied by sufficient information which demonstrates that the likely environmental or sustainability benefits of the proposed development outweigh the retention of the existing building.

## **Design quality**

### **Well-designed development**

The Minister for the Environment affords a high priority to the promotion of better design and is determined to raise the standard of design in the island as an essential part of

creating sustainable development through the planning process. Achieving the highest quality of design is more critical than ever, where our buildings and homes need to respond to the changing demands of living, socialising, and working, which have, in-part, been highlighted by our experience of the Covid-19 pandemic.

Jersey is an island of distinct and diverse places, with a rich and varied rural landscape, outstanding coastline, and a range of urban centres, from Town to smaller village centres. Wherever it takes place, it is essential that new development contributes positively to the character, identity, and sense of place of the local area. It should also be well designed and responsive to the unique characteristics of the locality, supporting the inevitable evolution of place, but without eroding what makes it special and unique.

The Jersey Design Guide<sup>7</sup> sets out key principles to ensure excellence in design and architecture which include integration, relevance, sustainability, connection, enriching and delighting, attention to detail and quality. These are sound principles that have stood the test of time and their consideration in the development process should ensure that the quality of buildings and places in Jersey is enhanced.

To assist in the delivery of better design the Jersey Architecture Commission<sup>8</sup> provides independent, expert advice and guidance on major and sensitive developments in the island. For large-scale development, or development in more sensitive locations, the Commission should be engaged at the early stages of scheme design to help shape sustainable buildings and development that supports and enhances the quality of design and placemaking in the island.

Design statements<sup>9</sup> are required to accompany development proposals, to demonstrate how the key principles of good design have been taken into account in the preparation of the proposals, and to assist in assessing the design quality of the proposed development. The statements should analyse the site and its context, set out the design principles that have been adopted, and demonstrate how the design solution achieves the objectives of good design and placemaking. The design of development in Town and around the coast and in the countryside should be informed by and have regard to the design guidance and assessment of character set out in the St Helier Urban Character Appraisal<sup>10</sup>; and the Integrated Landscape and Seascape Character Assessment<sup>11</sup> respectively.

Responding to the challenge of climate change necessitates a step change in how we construct and deliver new development, particularly if the island is to achieve its objectives related to carbon neutrality. Design statements are also required to include a statement of sustainability which shall have regard to the nature and origin of construction materials, and the lifetime energy requirements of the development. Development should also demonstrate how it encourages a reduction in private vehicle use and associated transport emissions by promoting and enabling active travel and the use of public transport and low emission vehicles, through the provision of, for example, electric charging infrastructure.

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<sup>7</sup> [Jersey Design Guide \(2008\)](#)

<sup>8</sup> [Jersey Architecture Commission](#)

<sup>9</sup> [Design statements](#)

<sup>10</sup> [St Helier Urban Character Appraisal \(2021\)](#)

<sup>11</sup> [Jersey Integrated Landscape and Seascape Character Assessment \(2020\)](#)



## Proposal – Design statements and statements of sustainability

The Minister for the Environment will review and issue revised supplementary planning guidance about the requirements for and contents of design statements, and to guide the preparation and submission of statements of sustainability.

In order to assess the quality of design and placemaking, all development proposals - including new and existing developments, changes to the use of land and buildings, building alterations and extensions, development affecting the public realm, the provision of infrastructure, and the display of signs and advertisements – will be assessed against key design considerations.

In the case of key sites and specific areas of the island, the Minister will continue to publish supplementary planning guidance to inform their design and development, in the form of masterplans and development briefs, to ensure, amongst other things, that high design quality is achieved.

### Policy GD6 – Design quality

A high quality of design that conserves, protects and contributes positively to the distinctiveness of the built environment, landscape and wider setting will be sought in all developments, in accord with the principles of good design.

Development will be supported where it can be demonstrated that the design successfully addresses the following key principles:

1. the relationship of the development to existing buildings, settlement form and distinctive characteristics of a place having regard to the layout, form and scale (height, massing, density) of the development;
2. the use of materials, details, colours, finishes, signs and illumination relative to the character and identity of the area; and its townscape or landscape setting;
3. its impact upon neighbouring uses, including land and buildings and the public realm;
4. its integration into the existing area with safe links to local spaces and places; achievement of the highest standards of accessible and inclusive design, **having regard to the needs of those with disabilities**; and the need to make provision for safe access, movement and parking, where relevant, by all modes, giving priority to active travel and promoting the use of low emission vehicles;
5. the need to design out crime, and the fear of crime, and to facilitate personal and public safety and security in accordance with the principles of safety by design;
6. the protection and enhancement of green infrastructure, as an integral element of design;
7. the operation of the development in practice and how people will access and use it on a day-to-day basis, both now and in future, having regard to its servicing and maintenance; and
8. the sustainable use of resources including land, natural, water, energy and materials with storage, waste, servicing and provision of utilities integrated into the design.

## Tall buildings

Tall buildings are those that are taller than their surroundings or cause a change to the skyline. Whilst high density does not need to imply high-rise, tall buildings can form part of a strategic approach to meeting development needs, particularly in order to make optimal use of the capacity of sites. It is recognised that the focus in the Island Plan on the built-up area to accommodate future development and secure efficient use of land over the plan period may lead to taller buildings being brought forward. This plan, therefore, seeks to provide a framework against which proposals for tall buildings can be assessed and seeks to ensure that context and placemaking aims are carefully considered when bringing forward proposals.

Places evolve, as do their skylines. Individually, or in groups, tall buildings can significantly affect their image, character and identity as a whole, and over a long period. In the right place well-designed tall buildings can make a positive contribution.

The term 'tall building' is relative, and the most useful indicator of the extent of the 'tallness' of a building within a specific townscape is the ratio of the height of a tall building to the prevailing contextual height. This Island Plan defines anything as a tall building where it is two or more storeys (where any roof plant will also be considered as a storey) above the height of the prevailing contextual height. It will also apply to a building that is 18 metres or more above ground level (or is four-six storeys high) recognising that the storey height of a building can vary depending upon the type of accommodation provided (but are commonly 3 to 4.5 m).

A poorly located, poorly designed tall building can have a detrimental impact on the topography and skyline of a place like St Helier. The town's particular topography means that existing tall buildings and those that are silhouetted against the sky provide a powerful and distinctive skyline profile. In considering any new tall development in St Helier, consideration of their impact on the landmarks of Elizabeth Castle, Fort Regent, Victoria College, St Thomas' Church, Almorah Crescent and Victoria Crescent will need to be taken into account. In considering development in other places the topography, landscape, townscape, wider context, contribution to key views and the prevailing building height and scale will inform the design and impact of tall buildings. Context is a critical consideration if a tall building is to successfully integrate with the surrounding townscape or landscape.

So, it is vital to be clear about what 'tall' might mean in the specific context of place. When considering St Helier, the predominant building heights are two to five storeys, but there are also exceptionally tall buildings of up to 16 storeys. Generally, in St. Helier, historic buildings are ordinarily small in scale with a predominance of 2.5-3.5 storeys. Any buildings that are 4.5-six storeys are 'medium-tall', six-eight storeys are 'tall', and eight storeys plus would be considered as 'high-rise'. More recent developments in St Helier, on the Waterfront and Esplanade, have raised the average height of development in this part of the town to five - seven storeys.

The St Helier Urban Character Appraisal provides an assessment of the urban character of St Helier and has defined the sensitivity and capacity of different parts of the town to successfully accommodate tall buildings.

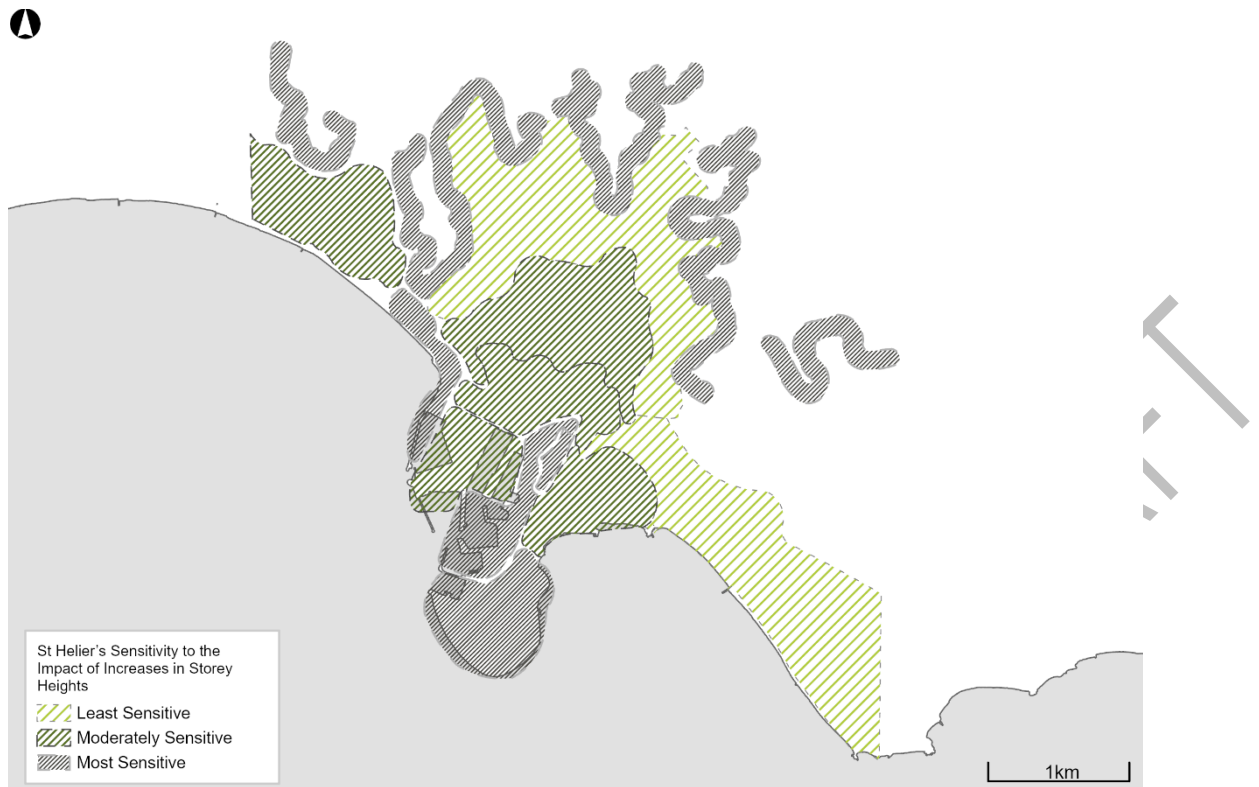


Figure GD1 – St Helier's sensitivity to the impact of increases in storey heights (St Helier Urban Character Appraisal)

Based on the Urban Character Appraisal's assessment of the distinct townscape characteristics of St Helier's ten character areas, it sets out storey height guidance for new development for each character area, as set out in Table 1. This will be used to assess development proposals for taller buildings in the town. Proposals for development which exceed this, or which challenge building height guidance for St Helier, will need to provide evidence to demonstrate that there are overriding public benefits or needs to justify and outweigh any adverse impact of a building of such height.

The St Helier Urban Character Appraisal has evidenced/concluded that high-rise buildings over eight storeys will always be conspicuous landmarks in the street and skyline of St Helier and may have the effect of undermining the cohesive historic character of the town. **The development of high-rise buildings over eight storeys in St Helier will, therefore, only be supported in appropriate circumstances.**

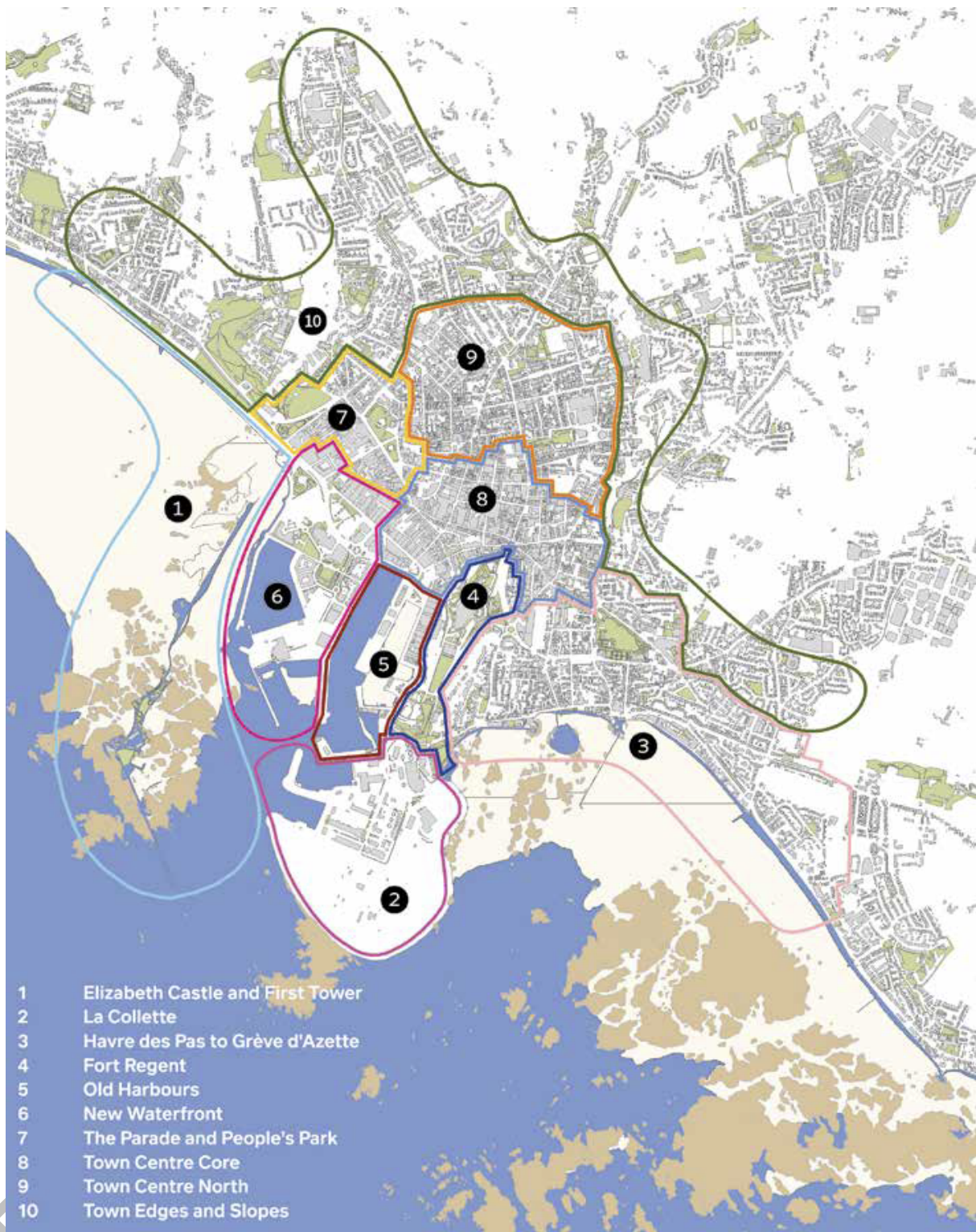


Figure GD2 – St Helier’s character area boundaries (St Helier Urban Character Appraisal)

Character Area	Height guidance
CA1 Elizabeth Castle/First Tower	<ul style="list-style-type: none"> <li>• Single storey above sea walls</li> <li>• Keep below building outlines as seen from shore</li> </ul>
CA2 La Collette	<ul style="list-style-type: none"> <li>• Single storey, allowance for incidental plant and machinery up to 2 storeys</li> </ul>
CA3 Havre des Pas	<ul style="list-style-type: none"> <li>• West of Howard Davis Park, between 2 to 3.5 storeys or eaves no more than 1m above or below neighbour</li> <li>• East of Howard Davis Park, up to 4.5 or 5 storeys where the context permits</li> <li>• The redevelopment of existing 15 storey buildings permitted at Le Marais</li> </ul>
CA4 Fort Regent	<ul style="list-style-type: none"> <li>• Between two to four storeys on the west flank</li> <li>• Up to three storeys on the east flank</li> <li>• Silhouette not to project above line of natural landform or the historic fort structure when seen from harbour</li> </ul>
CA5 Old Harbours	<ul style="list-style-type: none"> <li>• Up to three storeys</li> <li>• The redevelopment of existing 6 storey buildings permitted on the west side of the marina</li> </ul>
CA6 New Waterfront	<ul style="list-style-type: none"> <li>• Up to 8 storeys</li> </ul>
CA7 The Parade/People's Park	<ul style="list-style-type: none"> <li>• Up to 3.5 storeys</li> </ul>
CA8 Town Centre Core	<ul style="list-style-type: none"> <li>• Up to 4.5 storeys (unless specified in a separate design brief)</li> </ul>
CA9 Town Centre North	<ul style="list-style-type: none"> <li>• Up to 4.5 storeys (unless specified in a separate design brief)</li> <li>• Up to 5 storeys as accents, at corners or other landmark locations</li> </ul>
CA10 Town edges/slopes	<ul style="list-style-type: none"> <li>• Up to 6 storeys (unless specified in a separate design brief)</li> <li>• Building heights not permitted to be taller than 15m or 3 storeys on the ridgeline</li> </ul>

Table GD1: Building height guidance for Town (St Helier Urban Character Appraisal)

Outside Town, the prevailing building height is generally lower, as buildings are smaller. There will, however, be parts of the island's built-up area where there are existing taller buildings, such as hotels, and there may be a need to enable taller buildings in the right locations to help deliver more efficient use of land.

In all cases, sponsors of the development of tall buildings throughout the island will be expected to demonstrate, through the preparation of a design statement, how they have had regard to the context of the site and how this has informed the proposed height and design of the development. This will need to justify the height of the proposed development and consider, amongst other things:

- their height and design relative to the site context and its relationship with, where relevant, the St Helier townscape;
- strategic views and important vistas;
- the impact on the historic environment and the setting of listed buildings and key landmarks;
- the impact on the amenity of nearby occupiers and on the public realm; and
- the capacity of local utilities or community infrastructure to support a more intensive form of development.

In some cases, depending on the scale of the development, this will need to include a visual impact assessment.

In all cases, plant and equipment or other structures essential to the use of a building should be located within the existing building envelope and not on top of the roof(s).

### **Policy GD7 – Tall Buildings**

Proposals for tall buildings are those where it is two or more storeys above the prevailing contextual height or over 18m (or four-six storeys) high.

Proposals for the development of a tall building will only be supported where:

- it is well-located and relates well to the form, proportion, composition, scale and character of surrounding buildings and its height is appropriate to the townscape character of the area. In Town this should be considered relative to the St Helier Urban Character Appraisal (2021) building height guidance;
- it does not unacceptably harm longer views and context at street level;
- it incorporates the highest standards of architecture and materials;
- it has ground floor activities that provide a positive relationship to the surrounding streets, and public realm;
- it does not adversely affect the locality in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, privacy and amenity of surrounding buildings;
- it contributes to improving the permeability of the site and wider area; and
- its height can be fully justified in a design statement.

Development of a tall building of over eight storeys within Town will only be supported in **appropriate** circumstances and where the overall benefit to the community will demonstrably outweigh any adverse impacts.

Development of a tall building of over eight storeys will not be supported outside of Town.

## **Green backdrop zone**

The green backdrop zone is only located within parts of the built-up area, as defined on the proposals map. It is part of the landscaped escarpment around the east, south and west of the island, and is particularly prominent in views from the coast and the sea. In some of the island's built-up areas, this escarpment features low density residential development set amongst private gardens or natural landscaping, providing a green backdrop and setting to much of St Helier, St Aubin, Gorey and St Brelade's Bay. This landscaped setting is important for the character of these areas, and for the enjoyment of views from the sea, the beach, and along the coast and from within the built environment.

The skyline of the escarpment is particularly important and any development which breaks the skyline becomes very prominent. The escarpment has an important role to play providing, in some parts, an open gap between built-up areas; providing the setting for coastal sites; containing habitats which support the wider ecosystem; as well as contributing to a range of regulating services through vegetation (particularly trees and hedgerows).

The purpose of the green backdrop zone policy is to ensure that this urban landscaped setting is protected and enhanced.

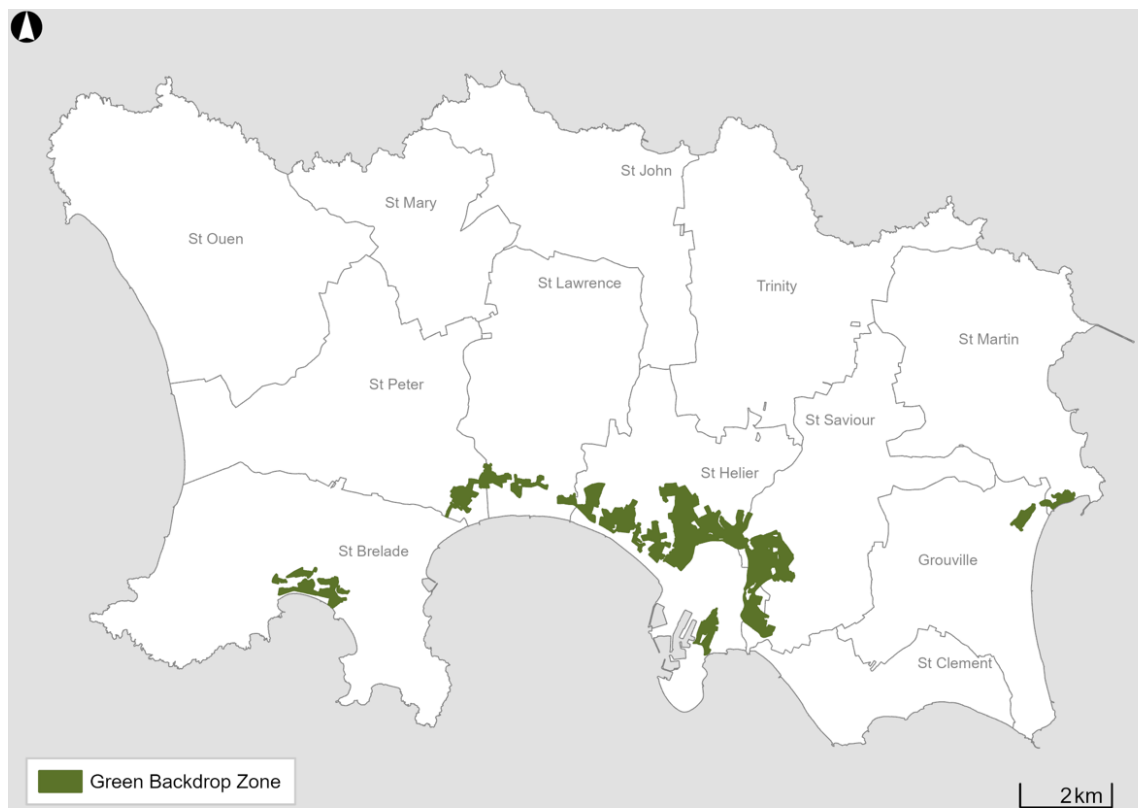


Figure GD3 – Green backdrop zone

Development on the slope and crest of the escarpment, particularly in locations around St Aubin's Bay and St Breilade's Bay, has led to some adverse visual impact on the green backdrop and on coastal views the effect of which has been, in some cases, exacerbated by associated tree removal from the seaward side of the development and the skyline.

In order to better protect the green backdrop zone, this plan sets out a renewed strategy for its protection and enhancement. This is informed by the work undertaken as part of the Integrated Landscape Seascape Character Assessment (ILSCA) which characterises this landscape type and sets a framework for its management, which seeks to:

- protect undeveloped areas from further degradation;
- assimilate development into the landscape where it has already occurred, through enhancement to landscaping or the use of more sympathetic colours or materials;
- ensure new development, including extension to existing buildings, is appropriate to its setting, including any potential impact upon the skyline, views and vistas;
- retain settlement identity and enhance settlement edges;
- ensure new planting and landscaping is appropriate to the landscape character of the area and contributes to the island's biodiversity through habitat conservation, creation and the use of appropriate species; and
- improve connectivity between habitats through landscaping.

## Policy GD8 – Green backdrop zone

1. Within the green backdrop zone, proposals for the extension or replacement of existing buildings will be supported where:
  - a. it does not involve the loss of a previously undeveloped site;
  - b. it does not unacceptably increase the visual prominence of the development, and is well-related to existing development;
  - c. it avoids the skyline and the steepest slopes, where extensive earthworks may be required;
  - d. it is appropriate in scale, design, material and colour, and is designed to minimise light pollution, and is not floodlit;
  - e. existing green infrastructure is retained, and new additional tree planting and landscaping is provided to support the integration of existing and new development into the landscape; and
  - f. it does not contribute to the erosion of gaps between built-up areas.
2. The development of detached buildings, or other forms of new development, within the green backdrop zone will not be supported except where:
  - a. it does not result in the net loss of green infrastructure or adversely affect the landscape character of the green backdrop zone; or
  - b. the overall benefit to the community of the proposal demonstrably outweighs the harm.

## Skyline, views and vistas

Jersey has a rich and varied landscape, seascape and townscape; its topography enables spectacular views of natural settings and buildings which are valued by local people and visitors alike and which are part of its intrinsic character and identity. New development can have a significant visual impact upon the island's important skylines, views and vistas, and it is vital that consideration is given to this in order to protect and positively manage change which may affect this aspect of the island's character and identity.

New development can affect skylines, views and vistas in two specific ways:

- by obscuring, in part or in whole, an important view or vista;
- by detracting from the quality of a landscape, seascape or townscape setting; or the setting of a landmark building, structure or landscape feature that comprises all or part of an important skyline, vista or view.

The following perspectives are considered to be of particular importance, and the impact of development upon them must be a consideration in the assessment of planning applications which affect them:

- views of the countryside and coastline from within the built-up area, and particularly from the town centre of St Helier and along the built-up area of the south and east coast (some of which is designated as part of the shoreline zone);
- views of the St. Helier skyline, particularly from strategic approaches to the town, on land and sea;
- views along and from the coastline and sea, particularly from the island's enclosed beaches and bays;



- the skyline and backdrop of inland escarpments and valley slopes which are highly prominent locations;
- views across open countryside, particularly to and from the inland ridges of the central plateau separating the island's main valleys;
- views into and from within conservation areas, as may be designated;
- the setting of listed buildings and places, where they are seen and experienced within a townscape, landscape or seascape context, and particularly the key landmark buildings of Mont Orgueil, Elizabeth Castle and Corbière Lighthouse; and
- key open land and strategic gaps between the edges of the built-up area which provide an important and distinct visual separation between urban centres and blocks of development.

### Shoreline zone

The shoreline zone is defined on the proposals map and represents the area where the built environment meets the sea. It embraces that part of the built-up area which lies seaward of the coast road in St Brelade's Bay; St Aubin's Bay; and along the south-east coast from La Collette to Le Hurel, and from Longbeach to Gorey Harbour.

The principal purpose of the shoreline zone is to ensure that existing open space, which affords views to the shoreline, is protected; and that the maintenance and enhancement of this 'visual access' to the coast is considered in the assessment of planning applications for development within it. It also seeks to protect and maintain physical access to the beach.

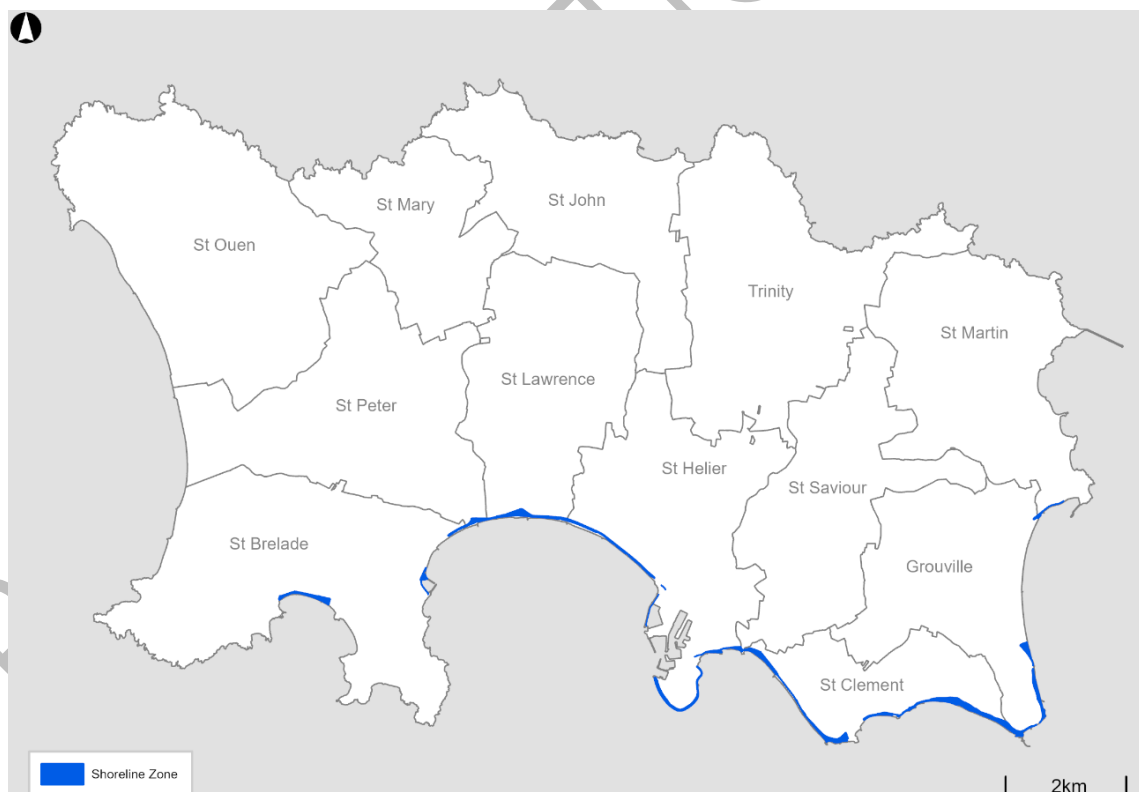


Figure GD4 – Shoreline zone

### Views and intervisibility

The Jersey Integrated Landscape and Seascape Character Assessment<sup>12</sup> (ILSCA) sets out ten character types present across the landscape and seascapes of Jersey, which fall outside of the island's built-up areas but where views and vistas, including those between,

<sup>12</sup> [Jersey Integrated Landscape and Seascape Character Assessment](#)

from and within the island, its coastline and its surrounding marine environment – known as intervisibility – are significant in defining people’s appreciation and enjoyment of the island’s natural environment. Each of the island’s character areas presents key views and vistas which are important and need to be considered in the context of any development which might affect them, even if that development is not located within the particular character area:

- the cliffs and headlands of Jersey provide extensive views out to sea, to France, to other Channel Islands, and along the coast, and long-range coastal views, including the key viewpoints and settings of Mont Orgueil, Elizabeth Castle and Corbière;
- the coastal plains provide extensive views of the sea, coast and landmarks, such as defensive structures, as well as views inland;
- the escarpment slopes and skylines are particularly sensitive, forming the backdrop in views of Jersey from the sea and coast, and development here can, therefore, often be seen from a wide area;
- the rocky shores and bays of the island provide outstanding and very popular views from the accessible shoreline in bays and views from both land and sea must be considered;
- the bays with intertidal flats and reefs are one of Jersey’s most distinctive and unique features contributing to the island’s sense of place, resulting from the combination of geology, topography, currents and large tidal range. They contain outstanding views towards the land and out to sea and are also key to coastal views from land. Key landmarks and their settings, where they are visible from the intertidal bays, must also be considered, including Corbière Lighthouse, Mont Orgueil, Elizabeth Castle and St Aubin’s Fort; and
- offshore reefs and islands at Les Ecréhous, the Paternosters, and Les Minquiers on a clear day, provide strong focal points in the seascape when viewed from Jersey. From the reefs are distinct and distant views of Jersey and France.

The remaining two terrestrial character areas also contribute to local views and vistas in the following manner:

- the enclosed valleys form the most extensive areas of woodland in the island. Views are enclosed within deep valleys incised by running water with valley floor meadows. The views are enclosed with locally open views. The impact of the green valley edges form punctuations in views from other character types, especially along the coast;
- the interior agricultural plateau is the most extensive character type forming the rural heartland of Jersey forming a settled and managed landscape. Views and vistas are generally visually contained, at small scale with an intimate feel, although elevated parts provide long views across open countryside and out to sea.

The St Helier Urban Character Appraisal provides details of important views within its assessment of each of the Town’s character areas. The impact of development on these should be considered as part of the assessment of planning applications in the town. Elsewhere, the impact of development upon skyline, views and vistas should be considered as part of the assessment of development proposals relative to its local context. It is important to ensure, however, that this is not just limited to the immediate context of a development site; the impact of development on longer views should also be considered. Consideration should also be given to the setting of listed buildings and places.

Clear analysis of the impact of development should be provided as part of the information submitted with a planning application<sup>13</sup> as part of the design statement where it affects the skyline, views or vistas. Large-scale development, or those in prominent locations, should be supported by 3D models<sup>14</sup> to enable this matter to be properly considered and assessed.

In order to protect the visual character and enjoyment of the island's urban, rural, coastal and marine environments further development will be strongly resisted where it will be obtrusive and prominent on the skyline and opportunity will be sought to repair it, where possible. The scale, height, colour or finish of existing buildings and structures which detract from an important skyline, vista or view will not be accepted as a precedent for their redevelopment where there is an opportunity to repair the skyline, vista or view with more sensitively scaled and designed development, and landscape reparation.

Where proposals would result in adverse impacts to a skyline, strategic view or important vista, evidence will be required as part of the application to demonstrate that there are overriding public benefits or needs to justify and outweigh any adverse impact. These situations may arise particularly where there is a requirement to deliver key elements of community and public infrastructure; or to deliver a public policy objective or need, such as the delivery of a new hospital or the provision of new coastal defences along parts of the island's shoreline. In such circumstances, there will be a need to demonstrate that any such harm to skylines, views and vistas is reduced to the minimum through appropriate design considerations.

### **Policy GD9 – Skyline, views and vistas**

The skyline, strategic views, important vistas, and the setting of listed buildings, places and key landmark buildings must be protected or enhanced.

Development that will lead to adverse impacts on the skyline, strategic views, important vistas, or the setting of listed buildings and places or key landmarks, by virtue of siting, scale, profile or design, will not be supported except where the overall benefit to the community of the proposal demonstrably outweighs the adverse effects of any harm.

Within the shoreline zone, the development of new buildings or infrastructure, new structures or extensions to existing buildings will only be supported where they do not obstruct significant views to, or involve the loss of open spaces which provide views or public access to, the shoreline and sea.

Within the shoreline zone of St. Brelade's Bay –

- a. the redevelopment of a building for residential use, involving demolition and replacement, where the proposal would be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced;
- b. the extension of a building for residential use; and
- c. any proposal for development that is not accompanied by landscaping proposals sufficient to assist integration of the site with the green backdrop

<sup>13</sup> The Landscape Design Guidance (Part 5 of the [Jersey Integrated Landscape and Seascape Character Assessment](#)) provides a methodology for understanding the implications of a proposal on views and visibility.

<sup>14</sup> [3D models for planning applications](#)

zone, green zone, Protected Coastal Area and Coastal National Park areas of the Bay from any public viewpoint from the beach or coastal headlands, will not be supported.

## Percent for art

Percent for art is a mechanism requiring a developer to allocate a proportion of the costs of new development towards the provision of public art. The scheme aims to benefit the island by integrating art and craft of the highest quality into our built environment, promoting community-led planning, and developing a legacy of public art and artistic expression, to be enjoyed and appreciated by islanders and visitors alike.

Public art encompasses a vast spectrum of art practices and forms: from permanent sculptures to temporary artworks; monuments; memorials; earthworks and land art; site-specific works; street furniture; integrated architectural designs; socially-engaged practices; community-based projects; and off-site museum and gallery programmes.

Well-designed, well-planned and well-executed public art projects can deliver a wide spectrum of positive outcomes that benefit people, places and developers alike. At a strategic level, the value to the island from public art is to strengthen and celebrate Jersey's cultural identity, enhance the quality and experience of the island's public realm, promote cultural production by local artists, support the creative economy and promote collaborative working, including with the community. At a local level, the value to a development from public art includes its contribution to the character and identity of an area, and its contribution and relevance to a sense of place. It can also be an effective marketing tool, raising the profile of the development and attracting interest.

In development schemes, where the inclusion of art will be of public benefit, a contribution to public art of approximately 1% of the total construction cost of the development will be expected. However, the actual financial value and product arising from the contribution should be of a commensurate/reasonable scale and value to the scale of the development and the nature and origin of the artistic contribution.

For the purposes of this policy, those schemes where the inclusion of art will be of public benefit, are those projects of a more significant scale and will include proposals for:

- residential development of five or more dwellings; or
- non-residential development of 200sqm and above.

Public art should be procured and implemented by the applicant as part of new development proposals. The public art needs to be located in a position where it can be experienced by or is visible to the public, on land forming the application. Where this option cannot be delivered, the applicant will be required to justify reasons and have the option to procure and implement public art off-site, within the vicinity of the development site, on land which is accessible to the public, subject to agreement with the relevant landowner. Exceptionally, the applicant may be able to make a financial contribution to deliver public art in the vicinity of the site where the artistic intervention would benefit the community and wider area. Such provision may be commissioned and delivered by a third party. In both alternative cases, the developer will be required to enter into a planning obligation agreement to ensure delivery of the public art.

Development proposals which are required to include the provision of public art should be accompanied by a public art statement, which sets out the artistic brief, the artist's response to the brief, a proposal for the public art, costings and agreement to procure the installation or public art from a named artist or artistic business.

It is strongly recommended that pre-application engagement is undertaken to discuss proposals for integrating public art into development proposals.

### **Proposal – Percent for art supplementary planning guidance**

The Minister for the Environment will publish updated supplementary planning guidance to support the delivery of public art through new development.

### **Policy GD10 – Percent for art**

A contribution to public art, of approximately 1% of the total construction cost of the development, will be required where the proposed development involves the provision of:

- residential development of five or more homes; or
- non-residential development of 200sqm and over.

For smaller development the provision of public art will be encouraged as a means of enhancing the quality of the development.

All public art proposals must be appropriate to the setting and scale of the surrounding area, enhancing the quality of place and contributing to local distinctiveness and cultural identity.

PRE-PUBLIC