

STATES OF JERSEY



ISLAND PLAN 2011: REVISED DRAFT REVISION – APPROVAL (P.37/2014) – ELEVENTH AMENDMENT (P.37/2014 Amd.(11)) – COMMENTS

**Presented to the States on 11th July 2014
by the Minister for Planning and Environment**

STATES GREFFE

COMMENTS

Summary

The submission of this amendment is disappointing and the basis for it is flawed, wholly overblown and without evidence, and cannot be accepted.

We need a refinement of planning policy for the Island's coast and countryside to better protect our valuable landscapes, whilst providing greater certainty to residents and business about what changes they might be able to make to their land and buildings. The effect of the Minister for Economic Development's proposals would be to deny the opportunity to make these improvements to policy.

I have submitted my own amendment to further change the planning policy for the Green Zone. The effect of this will be to retain, intact, my proposed changes to the planning policy regime for the Island's most valuable and sensitive landscapes in the Coastal National Park [@ Policy NE6], whilst refining the proposed revision for the policy affecting the Green Zone [@ Policy NE7].

I would urge the Assembly to reject this amendment and to support my own amendment to ensure that we have an improved planning policy for both the Coastal National Park and the Green Zone.

Detailed response

This amendment 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.

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 of 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.

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.

And it is overblown and flawed, lacking any real evidence to support the claims used to justify the amendment, which can be shown by a detailed examination of the claims made by the development industry, through the Minister's amendment, below:

- **The changes to these policies will affect a large proportion of Island's population**

No evidence is provided to support this claim.

Examination of the facts reveals that over 70% of planning applications made are in the Built-up Area: this is because this is where the majority of the population lives and works.

Applications in the countryside, made up of the Coastal National Park and the Green Zone, only account for 4% and 25 % of all applications respectively.

- **The proposed changes will damage the construction industry**

No evidence is provided to support this claim.

Examination of the facts reveals that over 70% of planning applications made are in the Built-up Area: this is because this is where the focus of development activity is.

Applications in the countryside, made up of the Coastal National Park and the Green Zone, only account for 4% and 25 % of all applications respectively.

- **Infringement on individuals' rights to improve and upgrade their property.**

The planning system is based on a proportionate intervention in the public interest to regulate the change that people can make to land and buildings: this already exists under law.

The proposed changes to the policies in the countryside do nothing more than change the policy regime that applies in the countryside and, in themselves, do not affect people's rights. It is relevant to note that there is already a presumption against development in the countryside conferred by the existing Island Plan policies for the Green Zone and the CNP.

- **Discourage the replacement of existing sub-standard buildings with more sustainably built buildings.**

No evidence is provided to support this claim: the sustainability of new buildings can be a material consideration in the determination of new development proposals, and the Plan sets out the requirement to minimise the environmental impact of development and to improve the environmental sustainability of new buildings.

- **Reduction in the value of property in the Coastal National Park and the Green Zone.**

The impact of value on property is not a material planning consideration: no evidence is submitted to support this claim.

- **Reduction in value of commercial property owing to a limited exit strategy, and resulting in poor financial leverage for existing businesses.**

The proposed change to policy provides greater clarity about the proposed change of use of land in the countryside and certainty about when, and on what basis, this might be permitted. This claim is, thus, unfounded and, again, based on no evidence.

- **Increase in the cost of land in the Built-up area, as being the only zone where property would be capable of being enlarged to any significant degree.**

The impact of value on property is not a material planning consideration: no evidence is submitted to support this claim.

- **Significant reduction in work for small to medium size building contractors and sub-contractors in the construction industry and, therefore, a rise in unemployment.**
- **Significant reduction in work for architects, engineers, quantity surveyors, interior designers, etc. and, therefore, a rise in unemployment.**

No evidence is provided to support these claims. Examination of the facts reveals that over 70% of planning applications made are in the Built-up Area: this is because this is where the focus of development activity is.

Applications in the countryside, made up of the Coastal National Park and the Green Zone, only account for 4% and 25 % of all applications respectively.

The proposed change to policy provides greater clarity about the proposed change of use of land in the countryside and certainty about when, and on what basis, this might be permitted and thus should provide greater certainty for the development industry.

- **Inability to promote Jersey to high net-worth residents.**

No evidence is submitted by the Minister for Economic Development to support this claim. This matter was considered at the Examination in Public, and the independent planning inspectors reported as follows –

“We also see no case, rather the clearest objection, to the idea of an exception to facilitate new country homes within the CNP for high net-worth incomers. Such an approach, as well as undermining public support for the CNP, would destroy its character – the antithesis of the stated purposes of designation and associated planning policy.

Mr. Dixon, based on his considerable relevant professional experience, assured us that he knew of no case of a high net-worth individual declining to come to Jersey because they could not then build a house in a location of their choosing.”