

STATES OF JERSEY



ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – FIFTY-SEVENTH AMENDMENT

TOURIST ECONOMY AND PUBLIC AMENITIES

Lodged au Greffe on 12th July 2021
by the Connétable of St. Brelade

STATES GREFFE

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After the words “the draft Island Plan 2022-25” insert the words “except that –

- (a) within Policy ER4, at the end of sub-paragraph a. of Paragraph 5, before the semi-colon, there should be inserted the words “(the site having previously been publicly tendered on the open market at a price no greater than the commercial value of the site for tourist economy use (discounting any potential change of use to enable development for residential purposes) or such price as the seller can demonstrate was the minimum necessary to avoid a loss in capital investment in any premises (or part thereof) in daytime and evening use on the site)”; and
- (b) within Policy ER4, after the final paragraph there should be inserted the following new paragraph –

“6. Any proposed design for the replacement of the whole or part of any premises daytime and evening economic use in St. Brelade’s Bay shall be supported by an independent and objective professional assessment of the functionality of the design for commercial purpose (including without limitation storage, delivery areas, car parking facilities and potential impediments to customer and kitchen service in the case of a design for any restaurant or café premises), highlighting any design features that are likely to discourage commercial interest in the new premises.”

CONNÉTABLE OF ST. BRELADE

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

to approve, in accordance with Article 3(1) of the Planning and Building (Jersey) Law 2002, as amended by the Covid-19 (Island Plan) (Jersey) Regulations 2021, the draft Island Plan 2022-25, **except that –**

- (a) within Policy ER4, at the end of sub-paragraph a. of Paragraph 5, before the semi-colon, there should be inserted the words “(the site having previously been publicly tendered on the open market at a price no greater than the commercial value of the site for tourist economy use (discounting any potential change of use to enable development for residential purposes) or such price as the seller can demonstrate was the minimum necessary to avoid a loss in capital investment in any premises (or part thereof) in daytime and evening use on the site)”; and**
- (b) within Policy ER4, after the final paragraph there should be inserted the following new paragraph –**

“6. Any proposed design for the replacement of the whole or part of any premises daytime and evening economic use in St Brelade’s Bay shall be supported by an independent and objective professional assessment of the functionality of the design for commercial purpose (including without limitation storage, delivery areas, car parking facilities and potential impediments to customer and kitchen service in the case of a design for any restaurant or café premises), highlighting any design features that are likely to discourage commercial interest in the new premises.”

REPORT

The objective of this amendment is to ensure further prime tourist economic land is not lost on the seafront of St Brelade's Bay through the exploitation of loopholes in current proposed wording.

In doing so, it recognises the sensitivities regarding the former 'Protection of Prime Sites' policy in respect of visitor accommodation in the Bay and accepts the premise of paragraph 5a. of Policy ER4 that, should existing tourist economy properties prove unattractive for the continuance of tourist economy business or for tourist economy development, residential development should be considered.

St Brelade's Bay has a strong attraction for the development of private residences in areas, offering significant profits and shorter-term gains to developers of such residences.

The report of the public engagement exercise carried out in connection with the St Brelade's Bay character appraisal, that is part of the core evidence base for the draft Bridging Island Plan 2022-25, found:

1. an 'overwhelming' concern that the Bay 'should be for the local community and visitors, not an elite or exclusive residential domain for the ultra-rich as it is increasingly becoming', and
2. a concern expressed by most of the Bay's tourist businesses that 'the tourism offer needs to be supported or tourism businesses will continue to decline'.

In the space of ten years, a demand for sites for residential development in St Brelade's Bay has prejudiced the possible future acquisition of land in the shoreline zone for public amenity areas or premises for day and evening economy use of its local tourism industry. Land that acquires value for residential development usually becomes unviable to acquire for public amenity or day and evening economy use. If residential development is encouraged in this area, it will be encouraged.

It is possible for developers to of land in daytime and evening use to initiate a change of use for residential purposes by virtue of an apparent lack of interest in continued daytime and evening use of a site (or parts of a site).

If new tourism and local community facilities are to be encouraged and secured in this area, prior to the progress (if any) on the proposed Improvement Plan, Policy ER4 is one of the draft policies that will need to be refined.

The amendment seeks to discourage the potential abuse of proposed planning policies in the draft Bridging Island Plan 2022-25 that could operate to make land with designated use for daytime and evening economy purposes available for residential purposes for the wrong reasons.

Financial and manpower implications

There are no financial or manpower implications in relation to the proposed amendments.

Child Rights Impact Assessment implications

These amendments have been assessed in relation to the [Bridging Island Plan CRIA](#). Improved well-being of children will arise from improved public access to, and improved enjoyment of, a public beach, recreation area, and local community facilities.