



# **Report to the Minister for Planning and Environment**

**by**

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## **The (Draft) Jersey Island Plan 2009**

**Volume 1**

**Main Report and Appendices**

Examination in Public held on 21 September to 8 October 2010

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Senator Freddie Cohen  
Minister for Planning and Environment  
States of Jersey

19 November 2010

Dear Senator Cohen

**The (Draft) Jersey Island Plan Report**

I am pleased, on behalf of the Assistant Inspector Mr Alan Langton and myself, to submit our report on The (Draft) Jersey Island Plan.

I would like to record my gratitude to Mr Langton, whose contribution to the process has been invaluable, and also to thank Mrs Helen Wilson, the Programme Officer, whose efficiency and good humour was I think appreciated by all the participants. It would have been impossible to run the Examination in the way that we did without her help.

I would like to thank all the participants who attended the oral sessions for their co-operation in what was a new process in Jersey. Also the many more people who, although they did not attend the sessions, made valuable written comments on the Draft Plan. We particularly asked your officials in Planning and Environment (and indeed their colleagues in other Departments) to do a great deal of work, before and during the Examination. I thank them for that. It enabled us to understand the issues better, and it enabled both the Examination and this report to be completed expeditiously.

I hope that all those who took part in the process – even those whose wishes were not fulfilled – will feel that they had a fair hearing, that their views were taken into account, and that the process was worthwhile. I am very grateful to members of the public who expressed their views and in several cases took part in the Examination; their contributions were extremely valuable.

Thank you for the opportunity to Chair this Examination

Yours sincerely



Chris Shepley

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**Examination in Public into The (Draft) Jersey Island Plan.**

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<b>Abbreviations</b>		
AJA	Association of Jersey Architects	
BUA	Built up Area	
CCA	Countryside Character Areas	
CPJH	Council for the Protection of Jersey's Heritage	
EDD	Economic Development Department	
EIA	Environmental Impact Assessment	
EiP	Examination in Public	
ESC	Department for Education, Sport and Culture	
ICZM	Integrated Coastal Zone Management Strategy	
IoD	Institute of Directors	
IP	(Draft) Jersey Island Plan	
JBG	Jersey Bat Group	
JCC	Jersey Construction Council	
JEF	Jersey Environmental Forum	
JFU	Jersey Farmers Union	
JHA	Jersey Hospitality Association	
JSTP	Jersey's Sustainable Transport Policy	
NTJ	National Trust for Jersey	
P&E	Planning and Environment Department	
RJAHS	Royal Jersey Agricultural & Horticultural Society	
SEA	Strategic Environmental Assessment	
SPG	Supplementary Planning Guidance	
TTS	Transport and Technical Services Department	
WEB	Waterfront Enterprise Board	

## CHAPTER 1: OVERVIEW

### Introduction

- 1.1 The Examination into the (Draft) Jersey Island Plan (to which we refer as the "IP" throughout this report) took place from 21 September to 8 October 2010. We sat for about 12 days within this period and heard from some 97 participants. In addition we carried out well over 100 site visits, partly during our visits for the two Pre-Examination Meetings on 27 May and 22 June but also on 30 September and on 9 October (with one visit on each of 8 October and 10 October).
- 1.2 We had received about 1200 representations from about 200 respondents, following the formal consultation process on the draft Plan, and we are very grateful for these. The success of the process depends very largely on receiving a good response from organisations and members of the public which provide a basis for lively and constructive debate. We treated the written representations as seriously as the representations from those who actually appeared at the Examination in Public (EiP). But in order to examine the policies in the IP we selected groups of respondents to discuss each topic (and the topics themselves were based on our assessment of what had appeared contentious as a result of the consultation process). Our aim was to select people with a range of different views, and also to try to include individual members of the public as well as those representing various organisations. In expressing our gratitude to all who took part, our respect for their views, and our appreciation for the quality of debate, we would like particularly to mention the private individuals who took part. The process can be intimidating but they added invaluable to the debate.

### The process

- 1.3 This is a fairly new process for Jersey and we understand the Minister intends to consider its effectiveness after the work is complete. We will be happy to contribute to that – and we just make a couple of points at this stage. Firstly, we went to very great lengths to ensure fairness. This meant taking steps which some might have regarded as bureaucratic or complex. For example we set various deadlines and were unwilling to accept representations after these deadlines. The reason for this was to ensure that everyone was treated alike and that nobody could gain – or appear to gain – an advantage by submitting comments after everyone else. Similarly, in the interests of transparency, we were completely unwilling to consider any representation which was not in the public domain – and in writing this report we can state with complete confidence that we have not taken into account even a single piece of paper which has not been available to all participants; and that we have not received any private briefings or other contact from the States or other parties which could have influenced the outcome. The determination of Inspectors to maintain these high standards of openness, fairness and transparency can sometimes puzzle, even irritate, participants who are unfamiliar with the process, but all our actions were determined by those principles.
- 1.4 We also stress the importance of the work which goes on before the EiP itself; the EiP should be seen not as *the* process but as a stage *in* the process. We were quite demanding in requesting information and clarification beforehand, but this was worthwhile given the increased understanding of the issues which it provided, and the time it saved at the EiP itself and in this process of writing our

report. We are grateful to the P&E Department and others for their responses to these requests – and, once again, all of the outcomes were published and made available.

### **The need for the Plan**

1.5 We should record that a small number of participants questioned the need to review the IP at all. This is quite obviously a decision which had already been made by the States, and not one which was for us to examine. We note however that the 2002 Plan, which must have been prepared during 2000/01, is coming towards being a decade old; and that much has changed during that time. To give some simple examples, the States Strategic Plan has some clear policies about the use of greenfield sites, the importance of climate change, and the approach to transport which were not in being in 2002; the policy on immigration (which, it was made clear to us was a fixed point which was not for debate in the EiP) brings new considerations with it; and the housing sites identified in 2002 have been developed or otherwise become subject to different considerations. There are many more such changes and the Island Plan Review Policy and Zoning Amendments Schedule (Doc IP5) shows the very considerable extent of changes which have been made since 2002. So had we been asked we would have said that the review was indeed necessary.

### **The Quality of the Plan**

- 1.6 There was a debate on the opening day of the EiP about the IP as a whole. A number of respondents had argued that it was too long and complicated. That it needed to be simple and clearly understood; clear and concise. That it should be accessible to the layman. This was not a universal view (the AJA for example were complimentary – see their evidence paras 3.1-3.3), but the Minister<sup>1</sup> did accept that it was a complex document. He pointed out that the IP was intended to be of practical use to applicants, developers, architects and the P&E Department itself. And the issues involved in planning over a ten year period were inevitably complex (and becoming more so). However, the final published version of the IP would be less complex; the Draft included much evidential material in justification of the policies and this did not need to appear in the final version. The supporting text would therefore be much shorter. It would concentrate primarily on the policies themselves; but there would be other guidance for members of the public.
- 1.7 We make two points here. Firstly, we accept that at well over 400 pages (albeit in a satisfyingly large font size) the document is a long one, and that inevitably it is complex in parts. However our view, having seen many such plans, is that it is well laid out and relatively easy to follow. We also believe that it is well written in relation to the needs of decision makers both within and beyond the Department; this was frequently mentioned during the EiP, and not all plans have this merit. In very general terms, we would commend the Minister on having produced a plan which could stand comfortably alongside the better examples in the UK. We support the idea that the final version should be a much shorter document; it needs supporting text of course, but this can be much abbreviated.

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<sup>1</sup> We refer throughout this report to "the Minister", for simplicity. Normally of course we mean the various officials who represented him at the EiP and who "stood in his shoes".

- 1.8 Secondly, we concentrate in this report (as we did at the EiP itself) on the actual policies. In places we refer to the supporting material but since it is to be altered so much, a forensic examination of each paragraph would not be useful.

### **Supplementary Planning Guidance (SPG)**

- 1.9 Rather in contradiction to the previous point, some argued that the intention of the Minister to leave so much to supplementary planning guidance was problematic. Others, while accepting the need for SPG, were concerned that it was not in place at the time it was needed (eg see AJA evidence para 3.6). There is clearly an issue here; Appendix A of the IP sets out a long list of existing or proposed SPG, and it is intended to add more (for example on the Code for Sustainable Homes and on Noise).
- 1.10 It was pointed out to us that the SPGs fall into different groups; some, which provide guidance for development control, need to be in place when the IP is adopted – but others such as plans for regeneration zones or village plans can follow later. The Minister also pointed out that placing some of the detail in SPG made the IP less complex, and also that it made it possible for the Minister to alter various standards and guidelines without having to go through the complex process of altering the IP itself.
- 1.11 These are reasonable points, commonly followed by most plan-making bodies. So long as the policies themselves are tight enough, so as not to give any Minister carte blanche to alter guidance without compliance with the overarching strategy, we have no problem with what is proposed. However we do agree with those who said that the guidance needs to be in place quickly, where standards applicable to development proposals (eg matters such as parking or density) are concerned, and we urge that the necessary resources are provided to do this.

### **The format of this report**

- 1.12 Our report is in two volumes. The first deals with the policies in the IP, and we have tried to deal with them in the order in which they appear in the Plan (even though this was not the order in which we dealt with them at the EiP). The second deals with the various site specific issues which were raised (although some of the most contentious are dealt with in more detail in Volume 1). As it transpired, there were very many of these (118); this was not anticipated at the time we were appointed but an independent view of all these issues will, we hope, be valuable.
- 1.13 We have considered all of the written representations which were made. We cannot, in this report, give a specific response to all of them; there are simply too many. Similarly we have considered all of the comments which were made during the EiP itself, and if we do not mention everything which was said it does not mean we did not take all of the views into account.
- 1.14 All readers should if possible look at Chapter 2, which deals with the strategic policies; much of what follows on housing, transport, employment etc flows from those fundamental statements of policy.
- 1.15 Readers looking at individual sites may also find the strategic policies relevant; and they should also read the short introductory section to Volume 2.

## **Minister's amendments**

1.16 The Minister issued a list of amendments which he proposed to make to the IP following the first round of consultation (Doc PC8). He also issued a list of further changes resulting from the Sustainable Environmental Assessment (Doc PC6a 13 August 2010). We have dealt with the major issues arising from these lists in our report. We have considered all of them, but many were minor or uncontroversial. We endorse each of the proposed amendments not specifically addressed in this report.

## **Field 1248, Le Pouquelaye, St Helier**

1.17 During the EiP a difficulty arose in relation to Field 1248, St Helier. At an earlier stage in the process we had erroneously been led to believe that this site would be before us at the EiP as a potential housing allocation. In fact it was only the uncontentious (and already developed) adjacent CTV site that had been the subject of a representation, to maintain it within the Built Up Area. We do not apportion blame for this error; it is the only one which was made and amongst the mass of material which was being assembled it is perhaps excusable. Nonetheless it was most unfortunate because, although it had been advertised as being part of the programme, in fact the matter was not before us. The Field was shown as Green Zone on the Proposals Map. Though this was the cause of dismay amongst some parties, the undisputed fact is that no duly made objections to the designation had been received. The matter was therefore, as a matter of simple legal fact, not before the Inspectors and we were unable to come to a view upon it. To have done so might have disadvantaged others.

1.18 In the event, therefore, the advertised session regarding Field 1248 was limited to clarifying the situation, and a short debate regarding possible ways forward. We then confirmed that we would not be considering or reporting on the merits or otherwise of this field as a potential housing allocation. The States could if they so chose bring forward an amendment to the Plan which, if asked, we could consider following due process.

## **Policies regarding people with disabilities**

1.19 In their representations a number of people raised the question of policies dealing with the needs of people with disabilities. This arose not just in one part of the IP but in several places. It is a matter we take seriously, and we arranged for a debate to take place on the issue on Day 3 of the EiP. The Minister explained that many aspects of this question, at least as they affect buildings, are dealt with in the building by-laws and need not be repeated in the IP; we accept this. He went on to point out that there are provisions in Policies GD7 and NE8, and in the Transport section of the IP (where it is mentioned in para 8.22 as part of the hierarchy of users).

1.20 We are content with these references, but are pleased that respondents highlighted the issue. In practice much of the necessary provision will need to be made elsewhere – in SPG, or in the Sustainable Transport Strategy or the Public Realm Strategy. We urge the Minister to give priority to the subject in these other documents.

## Health Protection

- 1.21 It was put to us by Mr Smith from Health Protection Services that major developments should be subject to a "rigorous health impact assessment" to determine their effects both positive and negative on the health of the population. We have sympathy with the principle behind this. Planning in some senses has its roots in health protection and it should rightly be a matter of concern to planners.
- 1.22 The Minister's view was that it was well covered already, and that SPG could provide any further guidance which was needed. We accept this. It is indeed covered in a number of places in the IP (eg in the GD policies, transport, etc); and we did not note any policies which might work against the interests of public health. We are reluctant to recommend a further burden on developers; but at the same time it is right that Health Protection stressed this point, and that they should continue to do so.

## International Obligations

- 1.23 Before and during the EiP Mr Dun raised the question of international obligations. Para 1.3 of the IP refers to more than 350 international treaties, conventions and protocols which carry legal or moral commitments under international law. We invited all participants to draw our attention to any such obligations which might not have been met, but received no other responses on the matter and we are not aware of any obligations which have not been met. This is not to dismiss the subject however – it is important. The Strategic Environmental Assessment (SEA), as the Minister pointed out, deals with the many obligations which deal with environmental matters; but it does not deal with others. We have considerable experience of the operation of the Human Rights Convention and saw no evidence that the IP contravened its provisions in any way, though the Minister indicated that legal confirmation of this would be sought before adoption. Mr Dun's concerns centred on provisions regarding discrimination and this is a matter of concern to all planners – and part of their Code of Conduct. We mention the subject at various points in our report; but are unable on the basis of the information we have been given to identify any specific provision which might have been contravened.

## The adoption of the Plan

- 1.24 The process by which the IP is adopted is not a matter for us. However we asked questions about it at the EiP, and we have sought to frame our recommendations in such a way as to make it as easy as possible. We have, for example, not recommended that any significant sites which have not already been the subject of consultation should be included in the IP (though we have identified some which could come forward later). We hope thereby that a further round of consultation at this stage can be avoided. There has been some delay in the process already – in order to improve the opportunities for public involvement. The previous consultation process was extended by three months, and the start of the EiP itself was delayed essentially because of the large number of representations, and the need for further consultation on the Minister's proposed amendments. Now, however, the period of time remaining before the end of the first part of the IP period (which was from 2009-13) is becoming fairly short and there are important decisions to be made and

implemented. We hope that the IP can proceed to adoption quickly – but that, as we say, is a matter for the Minister and not for us to determine.

### **A Note for States Members**

- 1.25 We are aware that at some point, after the Minister has considered our report and accepted or rejected (with reasons) our recommendations, the IP will be considered in the States Assembly, and there are a number of points we wish to make in that connection.
- 1.26 All States Members were of course at liberty to make representations on the draft Plan and a number did so. We invited several States Members to take part in the topic debates, and they made very valuable contributions. In addition we issued an open invitation to all States Members to address us in a session specifically provided for them during the EiP (though only two took up this invitation). A number of States Members also commented on specific sites, and several took part in the debates on those sites. Some may be happy with the outcome; some not. But we considered all of their contributions carefully and objectively, against the background of the IP policies.
- 1.27 So our first point is that all States Members had a full opportunity to take part in, and influence, the process.
- 1.28 Secondly, we wish to reiterate to Members that the EiP was an intensive examination of the IP. It lasted for nearly 3 weeks; there were, as we have said, 97 participants; we read 1200 representations from over 200 people or bodies, and visited well over 100 sites. We asked many questions; we read a very large amount of background material; and we have jointly thought very hard about the issues. We know that we cannot please everybody – so we have not tried; we have simply given the Minister the best professional judgements we can based on all the evidence, and taken a holistic approach to the task. We don't claim infallibility; but we do claim objectivity.
- 1.29 Of course we respect the political processes of the States and do not for a moment suggest that our views as unelected Inspectors should outweigh those of elected members. But it will at least to a degree have been a waste of our time, and that of the participants, and of the very considerable efforts of the staff in the P&E Department who represented the Minister, if the recommendations are lightly cast aside. As always in these cases, local or short term considerations may have to be put aside in the interest of the wider community in the longer term.
- 1.30 Therefore we urge Members to look at the IP as a whole, taking into account the general aims and strategy. The IP itself is founded, correctly, on the States Strategic Plan:2009-14 previously and statutorily adopted by the States; we touch on this again in later Chapters of this report.
- 1.31 We urge States Members to respect, if not us, then at least the process which, to his credit, the Minister has put in place – which may well be as uncomfortable for him as for any other Member. We hope, for example, that Members will understand, where we have made recommendations which we know some will dislike, that we have done so after careful thought and because we believe they are right in all the circumstances. We hope that they will not, for example, bring forward new sites which were not considered at the EiP (as we understand some Members did in relation to the 2002 Plan). They had the chance to do so at an

earlier stage, and to have them considered in an open and fair way. We also hope they will not countenance delay in the adoption of the Plan. Even those who are unhappy with aspects of it will surely realise that taken as a whole the policies in the Plan need to be taken forward. We have come to appreciate the Island and its people very much during the time we have spent there; we wish it, and them, only the best.

## **CHAPTER 2: STRATEGIC POLICY FRAMEWORK**

### **Introduction**

- 2.1 Chapter 2 of the IP deals with the Strategic Policy Framework. It is of course a particularly important Chapter because everything else flows from it. If the policies in respect of climate change, the concentration of development in the urban areas, the avoidance of development on greenfield sites, and the sequential test are accepted, then much of the rest of the Plan must follow. It would mean that policies to locate housing close to St Helier, the design of transport policies to reduce the need to travel by car, retail and employment policies which favoured development in the urban areas, and so on would become natural manifestations of the overall strategy.
- 2.2 Many times during the EiP the Minister said that the IP followed from the States Strategic Plan: 2009-14. He was bound by that. The Strategic Plan contains policies on key matters – greenfield development, climate change, transport and so on (some of the key points are set out on p29 of the IP). We too are conscious of this as a compelling consideration; though we have considered these issues from a fresh perspective and in the light of the evidence presented to us, it would only have been with strong evidence that we would have recommended departing from established States policy. In fact, as will be seen in this Chapter, there was general (though of course not unanimous) support for the broad thrust of States policies and our own conclusions are in support of them too.
- 2.3 As we indicated at the outset of the process, we had been instructed that the assumption that there would be inward migration of +150 households per year was not open to debate at the EiP. It had been established as firm States policy following extensive consultation and the debate was not to be re-opened. We are quite comfortable with this; it is quite normal for established policies such as this to be treated as “given”; and in fact, though it was mentioned in some written evidence, parties for the most part did not seek to criticise it at this stage.
- 2.4 We dealt with policies SP1-6 on the first day of the EiP (and with Policy SP7 later). As with all the topics we asked a series of questions based on the points which had been raised in consultation. The first debate concerned climate change.

### **Climate Change**

- 2.5 The question of climate change is considered specifically in paras 2.7 to 2.14 of the IP. However it pervades the whole of the IP in various ways and is the background to very many of the policies. The question we asked was essentially whether the IP paid adequate regard to the issue (or indeed whether it went too far). We also asked, as in all the sessions, whether specific changes to policy were required.
- 2.6 The bulk of the written evidence we received on this topic stressed the importance of climate change and sustainable development. (See eg, in no particular order, Mrs Binet, Deputy Wimberley, Mr Dubras, Mr Palmer, Jersey Environment Forum, Mr Forskitt, S Smith (Health Protection Dept), and several

others). Mrs Steedman – talking about sea level rises - was one who made the point that even if the problems of climate change were exaggerated it would be sensible to adopt a precautionary principle and plan accordingly.

- 2.7 Some respondents gave a more nuanced response – for example the AJA said “we need to get away from the notion that development is somehow bad for sustainability”. Only one – Senator Ferguson - gave us a robust contrary view, questioning the assumptions behind climate change theory and arguing at the EiP that the IP had accepted climate change without any critical analysis. She questioned seriously whether climate change was happening at all.
- 2.8 As Mrs Binet pointed out, nothing in science is ever “indisputable”. And as Mr Palmer said, if the models are inaccurate, this may not provide comfort as they could be inaccurate in the “wrong direction”. But these differences led to a lively and constructive debate at the EiP – though not one that led to a unanimous conclusion. Putting aside, as we must, our own views however, we conclude that the balance of the evidence and the debate was that climate change was of critical importance. Or, at the very least, that the policies which might be adopted in response to climate change (such as minimising dependence on fossil fuels, developing renewable energy, safeguarding agricultural land in order to increase the security of food supplies, and so on) were sensible and necessary in any event. We respect the views of Senator Ferguson; but other participants orally and in writing made a very strong case regarding the potential seriousness of climate change both locally and internationally, and we accept their arguments. We also accept their view that Jersey is not immune from the responsibility to seek both to mitigate and adapt to climate change. This of course accords with the view of the States Strategic Plan.
- 2.9 The question we then asked was whether any changes needed to be made to the policies in the IP. In respect of the SP policies there were in fact no suggestions for change from either side. We note particularly at this point that there was no dissent from Policy **SP2** (Efficient Use of Resources) (as amended following the SEA recommendations). We are therefore content with that Policy. The following points from the debate are worthy of note however:
- There were a number of matters raised which go beyond the scope of the IP but were nonetheless important. One was that Jersey needs to have a more comprehensive and challenging set of targets and measurements – which may well be so, but in our view goes beyond land use planning and should be tackled by the States centrally. The Minister pointed out that there are various specific targets within the IP. Other points raised at the EiP related to quite specific matters, for example about renewable energy (and we were told these would be addressed in the forthcoming energy white paper).
  - However, more specifically within our remit, it was suggested that the supporting text needed to be strengthened to deal with this issue. Mr Forskitt made some specific suggestions in his statement and, though the Minister demurred, we think his suggestion that food security should be mentioned specifically in para 2.14 is a good one. As we have already said that text as a whole is to be abbreviated in order to make the IP more user-friendly. However, though we think that paras 2.7-14 give a reasonable summary of the issues, we would be concerned if the

commitment to sustainability were watered down in any way during that process.

- 2.10 We **recommend** that in any revision of the supporting text to the IP the section on sustainability (2.7-14) should not be abbreviated as it provides an essential background to the policies in the IP and records the States' commitment to tackling climate change. We further recommend that a reference to food security should be added to para 2.14.

### **Policy SP1 Spatial Strategy**

- 2.11 Policy SP1 concerns the concentration of development in the Built Up Area (BUA), and especially in St Helier. It sets out the exceptional circumstances in which permission might be granted for development outside the BUA.
- 2.12 There is no more fundamental policy in the IP. We were told not only that it reflects the imperatives of the Strategic Plan, but that the protection of the coast and countryside is enshrined in the law. We have considered it very carefully.
- 2.13 First, it is clear that there is a very widely held view in Jersey that the countryside should be protected. As we shall see, it is not a unanimous view, but there was understandable pride in the way that Jersey, through its planning system, had managed to keep the rural areas relatively unaffected by development. Some mentioned, but it would be invidious to repeat, the name of another Island not far away which was perceived to have been less successful in this regard. Leaving that aside, we travelled all across the Island on our site visits and we did appreciate the extent to which the countryside had been protected over the years.
- 2.14 However there was some questioning of the apparent public view supporting this approach. In particular the "Imagine Jersey" exercise came in for some criticism (see for example the evidence from the Chamber of Commerce). It was said that it was an unrepresentative exercise; that a "nimby" view had emerged; and that it should at least to a degree be disregarded. In response the Minister said that Imagine Jersey, though in his view a very thorough exercise, was not the only evidence of public views which had been used. We accept this. Public consultation exercises are always subject to bias but there has been very extensive consultation here and we do believe that the general view of the public is that the coast and countryside should be protected. There is no evidence from the consultations that this view is any less strongly held amongst town dwellers than other residents, if anything rather the reverse. It is certainly the view of the States. Of course, this must be balanced against the other needs of the Island, as we discuss below. (We should also note while mentioning Imagine Jersey that it was also criticised for failing adequately to cover climate change issues, but this does not affect our conclusions above on that topic).
- 2.15 Despite this apparent public and political support, there was in fact a considerable degree of criticism of Policy SP1. It was perhaps the Chamber of Commerce who put this most forcefully – in their evidence they said: "the basic approach of targeting St Helier for the majority of new housing requirements with a minimal impact on the Countryside Zone should be reviewed". At the EiP they said that concentrating development in the BUA and especially St Helier

was flawed, and that more sites should be allocated in the rural areas, for both Category A and B homes and for industry. Similar points were made by the Institute of Directors and the AJA, and by a number of individuals. At the EiP Mr Dun questioned the priority given to the countryside and asked why it was so "sacred". There was "nothing special about the countryside".

- 2.16 Behind many of these points was a view, articulated in various ways, that people wanted to live in houses with gardens, and not in apartments at high density in Town. It was argued that St Helier could not take the necessary development, or at least not to a satisfactory standard, and that social problems might ensue. It was argued that the policy was discriminatory; that those who were able to afford to live in the countryside enjoyed their excellent environment at the expense of those restricted to the BUA. This in our view is an argument which should not lightly be dismissed.
- 2.17 But unsurprisingly there was a strong contrary view. For example Deputy Le Fondré made some powerful points about the impossibility of everybody living in a 3 bedroom house in the country – or the implications if they did. The RJAHS made the point strongly that the countryside, as well as being attractive to look at, was a working environment. It was full of activity. The agricultural industry remained important in Jersey (and several participants suggested at various times during the EiP that it might become more important). In addition various points were made about the environmental/sustainability advantages of limiting development to the BUA, primarily in the south of the Island. This could reduce the need to travel. It was argued that even small amounts of development in the countryside would be damaging ("like woodworm eating away at a beam", as Mr Palmer put it).
- 2.18 There are profoundly difficult choices to be made here. Clearly it is true, in Jersey as elsewhere, that protecting the coast and the countryside is a basic function of a planning system, and that once lost it will never be regained. But clearly, also, there are some pretty serious needs in Jersey for development, particularly for affordable housing (which we discuss in Chapter 8). In any plan the aim must be to try to balance the three requirements to protect the environment, to house the population, and to grow the economy. We need to satisfy ourselves that, taking the IP as a whole, a reasonable balance has been struck and that the plan is "sustainable" in its widest sense – taking into account all of these three aims.
- 2.19 We believe that this is the case. It seems clear to us that a plan which concentrates development in the way that Policy SP1 proposes must be right in environmental terms. It is the pattern which is most likely to reduce the need to travel, and to reduce dependence on fossil fuels. We were convinced by the argument that locating development in or very close to the BUA would assist in these respects by reducing the distance which most people would have to travel, especially between home and work, and by making alternative forms of transport (walking, cycling, buses) more feasible or viable. But it is also a Plan which is likely to provide economic benefits, by seeking to promote the well being of the office and retail economy of St Helier while also protecting agricultural land (an argument was put that this has too special a status in Jersey and we can see that it must be made to justify its position; but food security is becoming an increasingly important issue everywhere and a long term view must support a prudent approach). And there are policies to protect and enhance tourism (including by the protection of the coast and countryside)

and to provide land for light industrial purposes. In terms of housing, we examine later ways in which – without compromising the overarching principles – sufficient housing can be provided over the IP period, and are satisfied that this can be done.

- 2.20 In fact, therefore, we reach a very firm conclusion. It is that the approach in the IP is the correct one. The IP does strike a reasonable balance. While founded on environmental principles including, as we have seen, the need to tackle climate change, it also provides adequately for the Island's needs. And, of course, it complies with the basic principles of the States Strategic Plan.
- 2.21 The acceptance of this approach has many implications. It does for example mean that the town of St Helier and contiguous built up areas in adjacent Parishes will have to take the bulk of development. The impact on St Helier itself is very important; questions about this came up at various points in the EiP and we deal with it more extensively in Chapter 6 (Built Environment), as well as looking in the appropriate Chapters at housing, retail, etc. We heard a lot, understandably, from the Constables of St Clement and St Saviour, who feel that their areas have taken more than their fair share. This in our view is a matter not of fairness but of geography. The IP is not founded on Parish boundaries but, in the present context, on the extents of the BUA. Much of the Parish of St Helier and far more so those of St Clement and St Saviour, are designated as being in the Green Zone or Shoreline Zone and subject to restraints on development.
- 2.22 It is an inevitability of the overall IP approach (and probably even without it) that development will find its way to the edges of Town rather than (with some exceptions which we consider later) to the rural Parishes. We firmly think that is right, in the interests of the Island as a whole. We take what might be called a "helicopter view". Most people live around St Helier. Most people work there. Most of the leisure, retail and other facilities are there. It is difficult to argue with any credibility that further development should be directed elsewhere.
- 2.23 Constables Hanning and Norman, and others, will not agree; but their understandable and well articulated views have not been ignored; we are simply drawn to a different conclusion. It may be that more needs to be done to deal with environmental and traffic issues in these Parishes. But at a strategic level we are sure that the IP takes the right approach.
- 2.24 None of this is to ignore the needs of the rural Parishes themselves and it was put to us that they should be allowed smaller scale development to meet local needs. We agree, but this matter is dealt with in Proposal 14 and Policy H5 and we look at it in our Chapter 8.
- 2.25 That said, this strategic approach does have implications for the many potential development sites which were put to us and which we discuss in Volume 2 of our report. It means that the hurdle over which a small site remote from the main BUA has to jump is very high and often it will be insurmountable. It would be contrary to the basic strategy to "pepper-pot" the countryside (as the Minister put it later in the EiP) with small developments, even if it were the case that individual examples appeared on the face of it relatively harmless. As we indicate later, all kinds of reasons were put to us for supporting some of these proposals. For example that the site was untidy or derelict (to allow development for that reason would be likely to encourage the creation of a

further selection of unkempt pieces of land); that it could be screened (which even if true does not place it any closer to compliance with the strategy); or that the dwellings were for family members (ditto). The view we have taken in Volume 2 is that it is the relationship with this strategy which is the pre-eminent consideration. It does not mean that there is never any other justification for development; but it does mean that the circumstances must be exceptional.

- 2.26 We would also observe that Policy SP1 does not amount to an absolute prohibition of all development outside the BUA. This was the subject of some debate at the EiP. The Minister pointed this out in response. The IP allows for development where it is justified, including for agricultural and tourism uses; it recognises that people live and work there. It does however militate against the change of use of buildings to residential use – we return to this under Policy SP3. We support these views; a more flexible approach could be exploited with damaging economic and environmental consequences.
- 2.27 There are two further points to make now about the BUA. The first is that its area has been reduced (this is set out in the Policy and Zoning Amendments Schedule (Doc IP5). There were some complaints about this, but the reasons are set out in IP5 and there were no specific suggestions for changes in principle (though in Volume 2 we deal with many individual proposals regarding the BUA).
- 2.28 Secondly, there was concern that the Les Quennevais/Red Houses area had been given insufficient prominence. It was the AJA who made this point most strongly, in their evidence and at the EiP, but others supported it. The Minister in response pointed out that the area was included in the BUA and was therefore capable of accommodating development. The AJA went on to argue for a “multi-centric” approach. They felt that substantial expansion for both housing and jobs in the west could act as a counter-weight to St Helier and would be efficient in terms of enabling people to live and work in close proximity, thus reducing the need to travel. The Minister pointed out that there was already substantial employment in the west, at the airport for example; but he and others felt that in a small Island such as this, there was neither the scope nor the need for the active encouragement of a second centre. St Helier would always be the dominant centre. We tend to agree with this, and we touch on this again in Chapter 10 on Travel and Transport. People do not behave predictably and those living in the west might easily work in Town (and vice versa), thus tending to increase rather than reduce the need to travel. We are content that the Les Quennevais area is identified as part of the BUA and see no need to take it further.
- 2.29 We therefore recommend no change to Policy SP1.

### **Policy SP3 Sequential Approach to Development**

- 2.30 The issues which this policy raised are very similar to those raised by Policy SP1 and discussed above. Policy SP3 provides for a “sequential approach” to development of retail and office development in favour, essentially, of sites in the town of St Helier as defined on the Proposals Map. It also, in summary, provides for development which it is essential to locate in a coast or countryside location subject to various constraints, and allows for changes of

use of land or buildings within the economic sector. At the EiP we discussed SP 1 and 3 together.

- 2.31 The AJA again expressed their concerns about "cramming" everything into St Helier and referred to a multi-centric approach. The Chamber called for a relaxation in the location of offices – so that they could be located "near where people live". But they were also concerned to protect the retail function of St Helier. The Minister argued however that while there would be development elsewhere (eg at the airport and the proposed Thistlegrove light industrial area) it was essential to protect the retail and office functions of St Helier. The sequential test was a new approach to doing this and it was not a "black and white" approach – there was still some scope elsewhere, but it was an important part of the strategy. We agree with this, for the same reasons as those we gave in support of Policy SP1.
- 2.32 There was some debate at the EiP about the redevelopment and re-use of buildings in the countryside. There were those – Deputy Le Fondré was one – who wanted to see greater flexibility – for example in relation to developments needed for tourism. He and others felt that limited development within the Green Zone, maybe involving under-used or derelict sites or buildings – might cause little harm. We have already commented on some of the dangers of this (see para 2.25/26).
- 2.33 We detected some misunderstanding of the approach in this part of SP3; the policy does in fact give a degree of flexibility – but only to change uses within the employment sector; it is designed (prudently) to inhibit the loss of buildings currently or previously used for employment, tourism or agriculture to a higher value residential use. We look again at this in more detail in Chapter 7, Economy.
- 2.34 We think the policy is sensible and recommend no change to it. We do accept, given the overall strategy, that a sequential approach favouring St Helier is complementary to other policies and is needed to protect the economy of the town where most people – whatever the outcome of this process – will continue to live and work. We also agree that the degree of flexibility given for necessary uses in coastal and countryside is necessary but that it would be dangerous to draw it more widely.

### **Policies SP4 Protecting the Natural and Historic Environment and SP5 Economic Growth and Diversification**

- 2.35 We debated these two policies, which deal with very general principles, together at the EiP, seeking to establish whether the balance of the IP as a whole was correct. Relatively few comments had been made about them amongst the written representations, and most of those that were made (for example about building conservation or policies affecting the tourism and leisure industry) are considered elsewhere in our report.
- 2.36 We discussed the question of the balance of the IP as between economic development and the protection of the natural and historic environment. Though we consider various detailed aspects of this later in our report, our overall conclusion is that this difficult balance has been appropriately struck.
- 2.37 On policy SP4, the Minister had proposed an amendment in response to the SEA to make it more proactive in relation to encouraging the delivery of

biodiversity enhancement measures and we support this. The AJA requested a further addition to deal with the enhancement of the historic environment but we consider that this is covered in Chapter 3 of the IP, to which we return later. The JEF (Mr Barnes) made a very valid point to the effect that the policy should not be used for the "tidying up" of the environment; the IP needed to allow for change and evolution. We agree with this, but think it is a matter of implementation rather than an amendment to the Plan.

- 2.38 On policy SP5 the AJA suggested that the policy, and in particular the first point (concerning the protection and maintenance of existing employment land and floorspace for employment use), represented an unwarranted interference with the free market. We were somewhat surprised at this, since such policies are common in development plans and this degree of interference, for the public good (as the Minister pointed out), is generally accepted. It does not of itself inhibit changes from one employment use to another. A different policy might mean the loss of employment land to more valuable uses and this could be damaging. Mr Palmer drew attention to the interchangeable use of the terms "economic growth" and "economic development" throughout the IP, preferring the latter formulation. The Minister felt (see closing statement) that this was an academic or semantic distinction with limited land use implications. While we feel that this somewhat downplays Mr Palmer's point, we do accept that in its practical use, the wording of the IP in this regard is unlikely to be material.
- 2.39 We recommend no changes to policies SP4 or 5.

### **Policy SP6 Reducing Dependence on the Car**

- 2.40 In discussing this policy we were very conscious that there was to be a further and much longer debate on transport issues later in the EiP (which we discuss in Chapter 10 of this report). We are also very conscious of the policies in the States Strategic Plan and of the emerging Sustainable Transport Strategy, both of which we also discuss in Chapter 10. We therefore deal with the matter relatively briefly here. However this is a very fundamental component of the IP, closely related to the sustainability issues we discussed earlier, and there was a lively debate on the matter at the EiP. There were surprisingly few direct references to this policy in the written representations, with a majority in general support. Mrs Lee however no doubt spoke for many when she said "Jersey is the Island of the car....."
- 2.41 Unsurprisingly, the debate tended to involve itself in detail. There were strong feelings about parking standards etc (with a view that restrictions on residential parking went beyond reducing dependence on the car to actually restricting car ownership). There were comments on air quality (and the Minister indicated that the States would be producing a strategy and standards on this topic). We consider these matters in Chapter 10.
- 2.42 On the substantive issue however, there were different views. In favour of the policy, Mr Forskitt said that really there was no alternative to reducing dependence on fossil fuel; the only question was what to put in its place. Mr Palmer felt people were too dependent on their cars, and Mr Barnes, while accepting that people needed a car, supported policies to reduce dependence on it – for example by reducing car parking standards which he regarded in some places as profligate.

- 2.43 Mr St George, from TTS, outlined the sustainable transport strategy, and said that there were many reasons for reducing car dependence. But the IP was crucial. It was important to choose carefully where to locate development. If it were scattered, then providing public transport alternatives became impossible. Development must be in the right places, and Mr St George echoed earlier debates about locating it close to the urban areas.
- 2.44 This general approach was not universally supported and, again in an echo of earlier debates, it was the Chamber and the AJA who expressed concern. The AJA felt that it was impractical to limit people's ability to get from home to work and school. The Chamber felt that the IP must be pragmatic – facilities must be provided (especially convenient car parking). Mr Dun felt that the policy tended to discriminate against more disadvantaged people in the urban areas, though the Minister argued (and we agree) that the reverse was the case as the policy would tend to help those who did not have cars.
- 2.45 It seems to us that the policy is in fact a relatively modest one. It does not affect existing development, and the requirements it places on future development are far from extreme. It seems to us that it is a natural concomitant to the policies on climate change and a natural consequence of the Strategic Plan. We think that the suggestion that this is a "dictation of a lifestyle....acceptable in China or Russia", which was made at the EiP is a pretty extreme reaction to what in the modern context is an entirely reasonable requirement to consider the impact of development on traffic and to look carefully at its impact on safety, air quality, and the provision of alternative opportunities for transport such as walking and cycling.
- 2.46 We make two detailed points. Firstly Deputy Wimberley, in his evidence, questioned the use of "long term" in paras 2.61 and 2.63. He thought that a more urgent approach was necessary. We have some sympathy with this but we accept that in practice this policy in the IP (as opposed to other policies which the States might adopt), which essentially deals at present just with the impact of future development, is likely to have an effect only on a long term basis. The second concerns a very fine detail – the use of the word "new" in the first line of the policy. This could be interpreted as referring only to new buildings, whereas the policy should also apply to changes of use of existing land or buildings. This was generally accepted
- 2.47 We **recommend** that the word "new" is removed from the first line of Policy SP6 – to read "Applications for development....." rather than "Applications for new development....."

### **Policy SP7 Better by Design**

- 2.48 This policy was discussed later in the EiP alongside other relevant policies – notably GD7 (and Proposal 2). In written comments it had mostly been supported, and there was general acknowledgement of the current Minister's interest in, and support for, a better quality of design. However there were some comments from an architectural perspective.
- 2.49 We leave on one side the AJA's understandable preference for local architects to be given some degree of preference which, whether justified or not, is not a matter for the IP. But we note the concern expressed at the EiP by Mr Harding (AJA) that new buildings should reflect Jersey's heritage in terms of traditional

site widths and plot widths. Mr Harding wished to see a focus on local relevance and proposed an addition to SP6: "elevational modulation, variety and character" and sought an additional objective to "reflect traditional local site widths".

- 2.50 Mr Waddington made a rather different point. Mr Harding (and the AJA's evidence) had called for greater support for modern architecture, and Mr Waddington felt that there needed to be scope for some things which hitherto were not Jersey-relevant. He was unhappy with the wording of para 2.71, which referred to the "modern interpretation of traditional forms" – he felt this was too restrictive. Mr Alluto for the National Trust agreed with this point so long as care was taken over location and setting of modern buildings. Mr Le Sueur, in a thoughtful presentation, later made a similar point – the IP did not leave enough room for radical alternatives.
- 2.51 Hesitant though we are to involve ourselves in this kind of architectural debate, insofar as Mr Harding and Mr Waddington differed we find ourselves here on the side of Mr Waddington. As the Minister pointed out, there is provision in SP7 for "local character and sense of place" (first bullet point in the second list). It also appears in GD7, point 3, quite strongly. However we do accept the point that para 2.71 could be taken to inhibit some modern forms of architecture. The Minister was clear that this was not the intention; but nonetheless we conclude that the paragraph might valuably be amended to make this clear. It is obviously the case that the use of more innovative forms of modern architecture will be limited in its application; but there will be certain places where it will be acceptable – indeed might be welcomed - depending on the locality and setting.
- 2.52 We **recommend** the addition of a further sentence to para 2.71 as follows: "The use of 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"

### **Safety by Design**

- 2.53 The Minister proposed, as a result of the SEA, an amendment to policy SP7 highlighting the need for "safety by design" principles to be part of achieving high design quality. We agree with this – but the issue was raised at the EiP and this is a good place to deal with it – even though it also appears in policies GD1 point 3d and GD7 point 7.
- 2.54 DC House (Jersey Police) addressed the EiP and his comments were also supplied in writing (Doc No HE/Q5/POLICE/1). He felt that the IP was not specific enough. For example the words "takes into account" (the need to design out crime) were inadequate. His proposal was that the onus should be on developers to provide "Crime Impact Statements" (for schemes above certain thresholds set out in the note), and that this requirement should be included in the IP. Mr Smith (Health Protection) supported this but the AJA opposed it. They did not accept that there is a problem. DC House had given some examples of trouble spots – but these were historic; consultation now worked well.

- 2.55 The Minister also felt that the system worked well, and believed that the provisions in SP7, GD1, and GD7 were sufficient. Planning permission could be refused for proposals which failed to take this issue into account. He also pointed out that para 1.7 provided (amongst other things) for crime reduction assessments to be required from developers. But nonetheless he agreed that he would be happy to work with the Police on the production of supplementary planning guidance on this issue.
- 2.56 We would be happy with this outcome. Our view is that the three provisions already in the IP (including the proposed addition to SP7) are sufficient to deal with the issue. We are reluctant to advocate the imposition of a further requirement on a large number of developers when it may not always be necessary. However the preparation of further SPG on the issue could only be beneficial. We **recommend** that no change is made to the relevant Policies in the IP, but that SPG is produced to give further guidance on safety by design.

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## **CHAPTER 3: GENERAL DEVELOPMENT CONTROL**

### **Introduction**

3.1 We dealt with the General Development Control Policies not as a separate section of the EiP but at various points where the policies were relevant to the discussion. However we bring them all together in our report in the hope that this will be more helpful to the Minister. In fact there were relatively few comments on the Chapter as a whole, even though some particular policies did raise concerns.

### **Policy GD1 General Development Considerations**

3.2 Policy GD1 is to a large degree a compendium of other policies in the IP which form a crucial basis for development control. In his amendments schedule of 20 June, the Minister proposed a number of amendments to this Policy, all of which we accept. He also referred to the addition of a new policy in the Natural Resources section of the IP to deal with the incorporation of renewable energy in new residential development and to the addition of an SPG on noise standards to the list in Appendix A; we support both of these.

3.3 Other comments and representations either constituted indications of support, or are dealt with elsewhere in this report or in the Minister's proposed amendments (or in the case of the comment by Mr Norris about the speed of dealing with planning applications, are matters which we consider to be outside the scope of the IP).

### **Policy GD2 Demolition**

3.4 The AJA described Policy GD2 (Demolition and Replacement of Buildings) as overtly anti-development, as akin to listing every building on the Island with criteria that are virtually impossible to meet. Why (criterion 1) should demolition require that it is not appropriate to repair or refurbish the building? Why (criterion 7) should it be a requirement that the building be unsympathetic to the character or amenity of the area? These criteria fail to permit the demolition of a building that while not requiring repair or refurbishment, and while not actually unsympathetic to its surroundings, may nonetheless be nondescript and perhaps inefficient in layout or energy use. Arguments about pressure on waste disposal sites fail to recognise that demolition rubble can be recycled. Style Group suggested an addition to 1a of Policy GD1 ".....unless a more efficient use of the land can be achieved through good design".

3.5 The Chamber welcomed aims in the policy's supporting text (IP paras 1.8 & 1.9) as "light at the end of the tunnel" but were concerned about some of the Policy detail. For example, an obsolete ugly agricultural building may unavoidably have to be replaced by another that while more efficient is still not particularly attractive. Usage should be a factor. The JEF (Mr Barnes) saw the Policy as not about covert listing but sustainability and waste: existing buildings embody energy from their original construction which should be conserved. However, he also described the Policy as "woolly"; much of it redundant by addressing the replacement building which is not material to demolishing the existing one. The crucial need is for requirements to be spelt out clearly in the promised SPG, and

that these should be robust and balanced with regard to buildings that still have a useful future.

- 3.6 Prompted by Mrs Steedman several participants attacked the word "appropriate" as vague, leaving too much open to interpretation across such issues as sustaining energy, better uses of land and economics of refurbishment. Mr Gibb felt that the word should be banished from the Plan: a "get out clause". The JEF urged "meeting criteria in SPG" or better still in the IP itself addressing the types of issues raised by Mrs Steedman.
- 3.7 In response the Minister stressed the underpinning Policy SP2, Efficient Use of Resources and the aim to reduce CO<sub>2</sub> emissions. The Policy, including its criterion 1, simply requires that prior consideration be given before demolition as one material consideration along with others. It is something to have regard to but not unduly restrictive. The criteria are not self contained but refer to other policies in the Plan. However, he expressed some sympathy with the AJA's criticism of criterion 7 and would welcome the Inspectors' views. As regards "appropriate" the word is employed daily in planning but he accepted the need for greater clarity regarding its scope in this present context.
- 3.8 We reach a number of conclusions, starting with acceptance of the underlying need for this form of policy control. Buildings in the broadest sense are part of the capital assets of the Island. Part of this lies in the fact that CO<sub>2</sub> emissions (from the initial materials and site works) do not need to be expended again now. Also a vacated site following demolition can be unsightly and attract anti social behaviour; there have been examples of unscrupulous owners using this as a mechanism to put pressure on planning authorities and local communities to accept a new development that might otherwise be resisted. We therefore accept the approach in Policy GD2 that in effect puts the onus on the applicant to justify a proposed demolition. None of this implies that such an application need be refused, merely that it should be examined.
- 3.9 We do not in principle recoil from the word "appropriate" when used in planning generally or specifically in Policy GD2 criterion 1. As the Minister explained, criterion 1 concerns sustainability in whether to replace or repair/refurbish a building. We recognise that it has to provide for the myriad subtleties that arise in practice without being so open ended as to fail to give a clear steer in decision making. Entrusting decision makers with the word "appropriate" has a role in striking that balance. An enduring area of UK planning policy concerns Green Belts, where the starting point is expressly whether a proposal is inappropriate or not. But there is a body of guidance against which to consider that question, which is as yet lacking with regard to criterion 1, indeed it is not even evident on the face of the Policy that "appropriate" here is intended to mean appropriate in sustainability terms. We **recommend** that clarification, by amending Policy GD2.1 so that it reads: involves the demolition of a building or part of a building that it is not appropriate in sustainability terms to repair or refurbish.
- 3.10 We have no problem with criteria 2 to 6, which are either founded on other Policies in the Plan or on well recognised development control considerations.
- 3.11 We note the Minister's reflection on criterion 7, which requires that the replacement of a building or part of a building depends on that building being unsympathetic to the character or amenity of an area. This has no bearing on sustainability issues and skirts close to in effect listing all buildings that are not

positively unsympathetic to their surroundings. There are other criteria (and other policies in the Plan) to safeguard buildings of positive merit or where demolition would be harmful in itself. If the Minister accepts our recommendation to clarify Policy GD2.1, we see no need for the amendment suggested by Style Group to Policy GD1.1a, since the two are in any event cross referenced.

- 3.12 We **recommend**. First that criterion 7 should be deleted from Policy GD2. Second, we recommend that the necessary resources should be devoted to producing and adopting the SPG referred to in paragraph 1.9 of the Plan with respect to the "sustainability" balance between retention and replacement of buildings. As elsewhere in our report, we recognise the practical necessity for such guidance to be in separately prepared SPG (following consultation) rather than with the Plan, which would otherwise become unwieldy and the guidance time consuming to modify in the light of evolving experience.
- 3.13 We note and support the Minister's intention, in response to the SEA, to add a reference in Policy GD2 to the need for demolition to avoid effects on protected species and for suitable mitigation to be included as necessary.

### **Policy GD3 Density of Development**

- 3.14 A number of comments were received on this policy, several of them in support. This policy sets the general parameters but signals that SPG will set out the detail. We touch on this in various places in our report. We understand the views of Mr Troy, Ms Harding and others. Care is needed in designing schemes at higher density, and as we indicate later we understand the need for family housing. However our view is that the principle of maximising densities (subject to the caveats of reasonableness, and effects on surrounding properties set out in GD3) flows naturally from the strategic policies and we recommend no change.

### **Policy GD4 Planning Obligations**

- 3.15 Policy GD4 sets out the Minister's approach to what might be required by way of planning obligations associated with grants of planning permission. Extant SPG 13 The Use of Planning Obligations (Doc SD1) gives further guidance in relation to the policies in the 2002 Island Plan.
- 3.16 The Chamber described the process as a "stealth tax" generally and specifically with regard to percentage for art which we address below. On the whole, however, there was little opposition to the principle of the Policy, whereby developers fund infrastructure or amenities required as a direct consequence of a proposed scheme. Much of the debate centred on process. Several participants made broadly similar points. Uncertainty at the outset regarding the amount of potential financial liability makes it impossible to evaluate proposals in order to determine the correct purchase price to offer for land. Subsequently, delays and negotiations in concluding an obligation can seriously hinder progress on desirable developments or even call them into question altogether. There is no choice, failure to agree means no planning permission; the only appeal is to the Royal Court, which is very expensive and slow. Some form of arbitration would be preferable.

- 3.17 On a different tack, Mrs Steedman suggested some form of charge to reinstate and maintain highways cut up to provide services for developments though this was opposed by the AJA.
- 3.18 The Minister underlined that the obligations are not in any sense a tax, but aimed solely at meeting off-site costs directly arising as a consequence of a development. Developers do not have to enter into an obligation if agreement cannot be reached. Where possible P&E attempt to flag up obligation requirements at as early a stage as possible, for example at allocated sites via a development brief. He recognised that drawing up the obligation legal documents does take time; work is in hand with States Law Officers with a view to using standard templates.
- 3.19 We see no reason to suggest amending Policy GD4, which accords with recognised best practice in being limited to providing measures directly required as a consequence of a development but which cannot be achieved as an aspect of the development itself. That would not necessarily exclude works to reinstate a public highway, if the circumstances justified it, but we agree with the AJA that any form of ongoing maintenance liability would go beyond the scope of what should properly be required: it would amount to a local tax.
- 3.20 Process problems, especially delay and uncertainty, are a real problem and not just in Jersey. This is somewhat outside our remit, but we commend the practice of flagging up expected obligations in the development briefs for allocated sites, and also any practical steps that can be taken to speed up the legal drafting. Standard templates including all standard clauses must be a possibility with the specific amounts and requirements for a particular scheme inserted. Whether negotiations should provide for arbitration is well outside our remit, although as a broad principle arbitration can be useful as a means of dispute resolution in planning. It is wrong, however, to imply that developers are completely hamstrung at the outset when valuing a site. The practice of taking an option to purchase at a price to be adjusted in the light of the outcome of a planning application is well established.

### **Policy GD5 Skyline Views and Vistas**

- 3.21 There were several expressions of support for Policy GD5, and just one objection – from the AJA, who said “...Para. 1.23-1.27 presupposes that buildings detract from vistas and the skyline, whereas in fact they can enhance views. For example, the escarpment skyline around St Helier contains important buildings - such as Fort Regent & Victoria College - that enhance their location and surrounding vistas. If this Policy had been in force when these buildings were conceived they would not have been built! The way this section has been approached is overtly anti-built environment.....”
- 3.22 We simply do not accept this point of view. The policy is carefully worded so as not to exclude *all* development. But we have viewed the skyline around St Helier and other important views of the coast and countryside, and we think that the exclusion of such a policy from the IP would be remarkable.
- 3.23 We have no comments to make regarding Policy **GD6** (Contaminated Land). We note and support the Minister’s proposed addition to **Proposal 2** (and Appendix A) dealing with the Code for Sustainable Homes. We have considered the matter

of design quality (Policy **GD7**) in dealing with Policy SP7 and have nothing more to add.

### **Policy GD8 Percentage for Art**

- 3.24 Policy GD8 as above addresses Percentage for Art. This states that the Minister will encourage the contribution of a percentage of design and development costs to the provision of public art, indicating the circumstances where agreement will be sought. Extant SPG 3 (Doc SD3) gives further advice.
- 3.25 As foreshadowed above this was described as a stealth tax by the Chamber, at least in their written submissions. On the whole though there was support for the concept including by the AJA. Mr Mcloughlin (ESC) made particular cogent supporting arguments, highlighting wider benefits beyond simply the presence of a piece of public art: for example in strengthening cultural identity, engendering pride of ownership and sense of place. This and considerably more is well expressed in the SPG, which we enthusiastically commend. We saw excellent examples of public art during our time on the Island.
- 3.26 In the main, criticisms were directed less at the aims of the policy but the way it is worded: what does "encourage" mean? If it is a requirement for planning permission then it should say so. The Minister was clear: it is a voluntary process, encouraged at particular forms of development but not a legal requirement.
- 3.27 We suspect that the word "encouraged" might be seen in slightly different lights by a planning case officer and prospective developer. But as set out in the SPG, the scheme is aimed at particular forms of development, including for example major commercial or retail schemes and other significant proposals. Applicants are likely to be professionally represented and negotiate accordingly. The amount indicated, up to 0.75% of development costs, can be readily factored into a site valuation. Many developers are likely to share aims behind the initiative – certainly it would be very unfair to assume otherwise – but even on the narrowest financial consideration the small additional cost could well be justified by enhanced value to the completed development. We recommend no changes to the Policy GD8 or the approach taken as set out in the SPG.
- 3.28 We have nothing to add to the Minister's responses to representations on Policy **GD9** Signs and Advertisements.

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## CHAPTER 4: NATURAL ENVIRONMENT

### Introduction

- 4.1 The Natural Environment chapter of the Plan attracted a range of comments. We invited debate on what we see as the most salient. However, we see little to disagree with in this chapter of the IP and make no more than a few suggestions for change.
- 4.2 Objective NE1, Natural Environment Objectives, seeks 1) to protect and promote biodiversity and enhance the Island's terrestrial and marine habitats and ecosystems; and 2) to protect and enhance the quality, character, diversity and distinctiveness of the Island landscape, coastline and seascape.
- 4.3 There was little or no dissent regarding these objectives, which seem to us entirely sound, and we look first at the ensuing suite of development control policies.

### **Policy NE1 Conservation and enhancement of biological diversity**

### **Policy NE2 Species Protection**

### **Policy NE3 Wildlife Corridors**

### **Policy NE4 Trees, Woodland and Boundary Features**

- 4.4 While broadly supporting these policies so far as they go, the AJA, Mrs Binet, Mr Pinel, NTJ, Jersey Bat Group (JBG), JEF, Mr Troy and others commented to the effect that the range of protections offered might focus unduly on rural locations, designated sites or protected species. Do the policies sufficiently address biodiversity in the BUA, in "ordinary" open countryside and with regard to non-protected but nonetheless important species (toads were cited as an example)? Mrs Binet referred to 27% of bat roosts being within the BUA. Policy NE2 was described as restating the law but not taking it further.
- 4.5 The provision in Policy NE1 that "Permission will not be granted for ... development which would *seriously adversely* affect biological diversity" (emphasis added) was seen by some as insufficient and providing a "get out clause". This was countered in particular by Mr Troy who reminded us that it is not developers but the Minister who decides planning applications and he pointed to the associated requirement for "measures to secure a demonstrable net gain in biodiversity".
- 4.6 In response the Minister forcefully defended the Plan: describing it as providing the strongest ever biodiversity and related protection for the Island, on issues that have grown in importance for the States. Policies NE1 and NE2 are not restricted to the coast and countryside but apply equally to the BUA, wherever there is a protected site or species. The "get out clause" argument is based on a misconception that designated areas, Ramsar sites for example, can never be subject to development. Such designations are important material considerations which as a matter of law the Minister must weight along with other factors. Policy NE1 is also a tool in appropriate circumstances to secure positive benefits, not merely benign outcomes, to enhance biodiversity. Mr Troy put the matter well; and beyond the Minister there is scope for a public inquiry independently to consider very controversial proposals. It is accepted

that Policy NE2 is a restatement of the law but usefully flags this up for development control purposes.

- 4.7 We reflect first on the introduction to this part of the Plan, which rightly notes that despite Jersey's relatively small size, its geographic and bio-geographic circumstances mean that it supports myriad wildlife. As the Plan goes on to note, again rightly, the Island has a responsibility to protect and promote its unique biological heritage, both morally and more formally through its ratification of the Convention on Biological Diversity. In our view, Policies NE1 to NE4, supported by other aspects of the Plan provide an excellent framework within which to discharge this moral and formal responsibility. We say "framework" because here as elsewhere we remind ourselves – and with respect our readers – that we are assessing a land use plan, whose primary purposes are to guide the determination of planning applications and the preparation of site briefs, area masterplans and supplementary guidance. It will operate in conjunction with other measures, such as the Integrated Coastal Zone Management Strategy (ICZM) and Coastal Park Management Plan, both of which we refer to below.
- 4.8 It is difficult to see how Policy NE1 could go further than it does without, in effect, purporting to widen the list of protected species and designated localities. Put bluntly, if everything and everywhere is to be accorded special protection then nothing and nowhere is specially protected. The concern about undue focus on protected species and designated localities is surely addressed by the opening part of Policy NE1, which states: "There will be a presumption in favour of the conservation and enhancement of biological diversity in accord with Policy SP4 Protecting the Natural and Historic Environment." The Strategic Policy SP4 is itself general in its application, giving high priority to the protection of, amongst other things, biodiversity as a key material consideration in the determination of planning applications. These policy aspects apply generally and not just to designated sites and protected species.
- 4.9 Clearly the weight to be attached in any particular case will vary, and rightly may be much higher with regard to designated localities and protected species, in accordance with other elements of the NE Policies. But wherever the issue arises the presumption in favour of biodiversity is there in the Policy to be addressed by an applicant and taken into account as a key material consideration by the Minister. Policy NE2 does plainly do little more than restate the laws with regard to protected species, but these are none the worse for being transposed here as policy determinants during the preparation and consideration of planning applications.
- 4.10 All this being so, where exceptionally a development is to be allowed for overriding reasons despite harming biodiversity, it will plainly warrant special consideration. The concept in Policy NE1 that such developments should do more than simply balance the harm, by way of mitigation and compensation measures, but secure a demonstrable net gain is one that is steadily gaining currency. Sometimes referred to as "conservation credits", it is we think a reasonable requirement in return for the initial unavoidable harm, consistent with aims to enhance as well as protect the environment. Applied imaginatively there may well be scope for harm to one biodiversity interest to be offset by benefits to something quite different but of higher conservation value.
- 4.11 We conclude by endorsing Policies NE1 to NE4 without amendment.

## Coast and Countryside Character

4.12 The Plan prefaces the ensuing NE policies with brief extracts from The Countryside Character Appraisal (1999) (Land Use Consultants)(Doc BT12). Para 2.48 describes this Appraisal as comprehensive and authoritative (we agree) and goes on to say that it has been used to inform the definition of the countryside planning zones, including the Coastal National Park, the Green Zone and (though surely stretching the word countryside) the Marine Zone. Proposal 14 commits the Minister to issuing it as SPG on adoption of the Plan. We commend that: it is a substantial document in its own right; it adds a great amount of detail to the necessarily brief references within the Plan. In the light of that we turn to consider the three zones.

### Policy NE5 Marine Zone

- 4.13 Unlike some jurisdictions, Jersey planning control extends to the territorial limit, including the need for planning permission for development. A policy framework for that sea area, designated as the Marine Zone, is therefore needed: Policy NE5. But it should not be seen as a repository for managing coastal waters more widely than in the control of proposals subject to planning control. The ICZM (Doc OS15) mentioned previously provides what appears to us to be a comprehensive vehicle for conserving and managing the coastal and marine zone, including resources such as fisheries. Plainly the two regimes, and doubtless others, need to work in conjunction if Jersey's waters are to be safeguarded and enhanced.
- 4.14 Policy NE5 includes a presumption against all developments except those which are essential for navigation; access to water; fishing and fish farming (subject to other policy safeguards); and coastal defence. Access to water was queried by Mr Morel; we take it to include such things as slipways or works needed to harbours. Para 2.52 makes clear that it is not intended to facilitate new marinas. Mr Morel was also amongst those concerned by the phrase "does not *seriously* harm" (emphasis added) in the ensuing paragraph of NE5. We understand this, but as with other policies, NE5 does not itself grant any planning permission but provides a framework for the Minister's decision on an application. For example, it might be that proposals for essential coastal defences cannot avoid serious harm to one of the interests listed in the policy, in which case the need and the harm would each have to be weighed as material considerations. There is a further safeguard in the requirement for an EIA for significant developments in the Marine Zone (IP 2.52).
- 4.15 The Policy concludes by recognising the possibility of renewable energy production within the Marine Zone. We consider renewable energy in Chapter 11, Natural Resources and Utilities, and here limit ourselves to endorsing the policy provision for this in Policy NE5.
- 4.16 Before concluding on Policy NE5 we will touch on the question of marine leisure and marinas in particular. This was debated both in the context of the IP Natural Environment chapter and again in relation to the Economy chapter. We here pull together threads from both, which is not in any way to downplay the economic issues but simply because any recommendation for change to the IP would be within the context of Policy NE5 and its supporting text.

- 4.17 The case for marinas, and more generally marine leisure was persuasively led by Jersey Harbours (Capt Le Cornu). Other participants supported him (some very properly declaring their memberships of yacht or similar clubs). No one dissented, including those whose views on other matters featured concerns regarding environmental impacts. Hoteliers present for the economy debate confirmed that they saw a synergy rather than competitive threat from marine leisure.
- 4.18 The essence of the case was that visiting yachts contribute substantially to the economy via mooring fees and high average expenditure per head in shops and restaurants. Local owners and visitors generate substantial business also for chandleries and for repair and maintenance businesses. Demand for leisure craft continues to grow, bucking the general recession, as does pressure for marina and other moorings. Surveys confirm that Jersey is a popular and growing destination for leisure craft. Residential properties with marina views command a premium. A marina "lifts" a waterfront. The lack of bespoke on-shore facilities and limits on mooring places for home and visiting boats are missed financial and regeneration opportunities; tourism is an arm of the Island's economy, which the States wishes to grow, and the IP should do more to assist.
- 4.19 Others, Mr Dubras for example, stressed the educational and social benefits, especially for youngsters; Proposal 11 is not the answer, as the Regeneration Zone is not necessarily the best place for a marina. The Boat Owners' Associations pointed to long waiting lists for moorings, for example 8 or 9 years at Gorey just for a drying, mud berth.
- 4.20 In response the Minister said that the Plan does not presume against proposals for on-shore facilities at St Helier, where the Waterfront may present opportunities, nor elsewhere within the BUA. The St Helier Harbours Regeneration Masterplan provides a mechanism to consider marina proposals. Outside of St Helier the Plan does presume against marina developments. He pointed to the States Strategic Plan aim, indeed legal requirements, to protect and enhance the coast and countryside. The theme in the IP is set by Policy SP4: Protecting the Natural and Historic Environment. The Plan takes a precautionary approach towards a fragile coastal environment.
- 4.21 The Island interests as a whole need to be taken into account, and the Minister had not been made aware of any marina proposal outside of the regeneration zone within the life of the Plan. There is scope, however, for the Minister to make a decision contrary to the Plan should a case be made out.
- 4.22 Like others present we have reservations about a response that relies on the possibility of deviating from a Plan which has as its opening introduction "Jersey has a 'plan-led' planning system ...". We do, however sympathise with the Minister's position at the EiP, standing between the States clearly stated strategic aims regarding the environment and a unanimity amongst a range of participants urging changes to the Plan.
- 4.23 Any amendment to the Plan to facilitate marina development outside the confines of the regeneration zone would be very major change, one that has not been subject to the SEA or wider public consultation. At the very least this would significantly delay adoption of the Plan, and with it such things as much needed new provision for housing. But we will not duck behind a process issue,

important though that is, in our recommendation. We do not question the many benefits that flow from marine leisure and marinas in particular.

However, we are also professionally very aware of the substantial impacts that new marinas, outside of an established harbour area, can cause to natural and historic environments. We need hardly mention the historical and heritage value of places like Gorey and the Jersey coastline generally, which are important both for the own sake and for their contribution to the economy.

- 4.24 We realise that our conclusions will disappoint a significant number of people who contributed constructively to the IP examination, but from such exercises as Imagine Jersey we are not convinced that an amendment to facilitate more by way of marina developments would command general support on the Island. We recommend against the Minister amending the Plan to facilitate marina or related developments outside of the scope of Proposal 11: St Helier Regeneration Zones. Accordingly we make no recommendations for changes to Policy NE5.

### **Policy NE6 Coastal National Park – boundaries**

- 4.25 The introduction of a Coastal National Park, delineated on the Proposals Map and subject to Policy NE6, unsurprisingly attracted a considerable amount of comment. We leave for others to ponder the semantic objection of “what nation?”, observing only that the term “National Park” has an established usage in which neither word is taken over-literally. And we doubt if “The Bailiwick of Jersey Coastal Park” would resonate better. But we must move on to the more substantive considerations regarding the principle, boundaries and policy.
- 4.26 We heard some criticism of the 2009 Public Consultation (Doc PC2) but on our reading of the results there was a solid measure of public support behind the principle of establishing the Park, and certainly there was a generally favourable response to the IP and subsequently to the EiP. In their initial representations the RJHS expressed concern that the Park would lead to a “two tier” countryside, suggesting the same status be applied to the Green Zone. The Society did not pursue this line at the EiP, though they did contribute knowledgeably regarding pressures in the countryside generally. The case for the Park is well made in the IP from para 2.55 onwards and there is no basis on which we either could or would wish to recommend against the designation.
- 4.27 Several participants suggested that the Park be enlarged. The NTJ referred to the north coast and land above the escarpment to St Ouen’s Bay, arguing that the IP defined area, based as it is on CCA Character Type A1 (North Coast Heathlands) misinterprets the CCA analysis. The CPJH made a broadly similar suggestion, referring to the coastal area from L’Etacq to Plemont headland, emphasising historicism as well as landscape value. Mr Dubras too urged inclusion of the Plemont headland and also expressed surprise at the exclusion of Grouville Common with its important wetlands. Mr Le Saux looked for extensions further up river valleys to take in catchment areas. JEF raised a rather different point, expressing concern at the exclusion of the Ramsar site at St Clement and Mr Morel more generally questioned why the Park stops at Mean High Water Springs.
- 4.28 Conversely Mr Troy, while applauding the general intension, argued that the Park – extending to more than 50% of the Jersey coastline, has been too

widely drawn; he questioned how far it reaches up river valleys and also suggested that it should exclude existing industrial, commercial and residential areas. He cited examples of Bouley Bay, Greve de Lecq and Five Mile Road as places where the designation could, in his words, severely prejudice individuals and business.

- 4.29 We understand both sides of these arguments but do not agree with either. The primary purposes of a National Park, linked to its special qualities, are set out at IP 2.57:
- the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park;
  - to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- 4.30 To be successful, the temptation to make the designation serve wider purposes must be resisted. The extent of the mainland Park as shown on the Proposals Map comprises nine CCA Character Areas: B4, Quennevais Dunes; B5, St Ouen's Bay Coastal Plain; C3, St Ouen's Bay Escarpment and Valleys; A1, North Coast Headland; A2, South-west Headlands; A3, Low Wooded Edge; D4, North Coast Valleys; D5, St Martin's Valleys; F1, North and South-west Cliffs.
- 4.31 Both from the CCA work and from simply travelling around the island it is apparent that these defined areas do share special qualities by being, on the whole, unenclosed coastal land of high scenic value. The selected river valleys are relatively short, and in that sense relate more closely to the coast than do those rising from the south coast which generally penetrate considerably further into the Island.
- 4.32 CCA Character Areas suggested for additional consideration by NTJ (and to varying extends implicitly by others) comprise D1, E1, E3 & E4. These are respectively the Main Interior Valleys and three areas within the Interior Agricultural Land typography. The descriptive titles alone point to why, even where only a little inland, these Character Areas have rightly been differentiated from those selected to comprise the Coastal National Park. This is not a for a moment to suggest that these areas, nor river catchments and wetlands such as Grouville Common, are in any way unworthy of protection, simply that this needs to be addressed outwith the objectives behind the Park designation.
- 4.33 It is also logical to end the designated Park at Mean High Water Springs, below which is inter-tidal sea bed more appropriately included within the Marine Zone and subject to Policy NE5. Obviously there may be proposals and management issues that span the two zones but that will occur wherever the seaward boundary is defined. The "land" areas (above MHWS) of the offshore reefs seem to us to be places of special quality that would benefit from the first purpose above of declaring a National Park and contribute to the second, although plainly the interrelationship with the Marine Zone will be even stronger than along the mainland shoreline.
- 4.34 We do not consider that the Park should be fragmented to exclude those few pockets of "developed localities" lying within it. The quotation marks are because, as may be expected, no BUA as defined by the IP is within the defined Park area though a number abut it and a few project into it. As touched on

above, a National Park is not akin to a Town Park or even a Country Park; as IP 2.65 acknowledges the Coastal Park area is a living landscape, with many buildings and land uses within it. These need to be addressed via Policy and an intended Management Plan, which we consider shortly, having first looked at one specific site at the edge of the defined area.

### **The Biarritz Hotel**

- 4.35 The Biarritz Hotel building stands on the headland above St Brelade's Bay, within the defined BUA. Its lengthy narrow garden falling to the shoreline is currently just within the National Park. To its northwest side is clearly BUA and to its southeast are extensive wooded dunes. The hotel garden was the subject of a site specific session at the EiP. Having listened to the cases for and against the garden's inclusion, and most particularly in the light of our site visit, we have concluded that the garden should be excluded from the Park area. We reach this conclusion not because of the Hotel's modernisation plans, the merits of which are not for us to determine, but because of the character of the garden land right at the very edge of this part of the Park.
- 4.36 The Hotel garden is attractive but in a cultivated, managed way. In character it has more in common with the BUA on one side than the dunes on the other. Put simply, and not in any pejorative sense, we think it lacks the type of special qualities that have defined the extent of the Park. This of course could doubtless be said of other curtilages within the defined area, but in this case any anomaly can easily be rectified by no more than a small adjustment to the boundary, having no discernible effect on the integrity of the Park. Any development proposals would be subject to planning control, when the proximity of the dunes within the defined Park would likely be a material consideration. Changes to the garden that do not require permission would not be controlled by inclusion within the Park, but in any event we also think that the responsible way in which the Hotel has evidently managed these gardens over many years should be given some recognition and provide an assurance for the future.
- 4.37 We **recommend** that the boundary of the Proposals Map be amended to exclude the curtilage of the Biarritz Hotel from the Coastal National Park and include it within the adjacent BUA. Subject to that we recommend that the Minister makes no other change to the boundary of the Park.

### **Policy NE6 Coastal National Park – policy**

- 4.38 Planning policy within the Park is focussed on Policy NE6. Again, differences arose as to whether it is too lax or unduly restrictive. Taking the former view, the CPJH proposed a complete replacement to something like: New development inside the Coastal National Park is forbidden unless approved by the States of Jersey as necessary to meet an essential community need that cannot be located elsewhere. Mr Morel saw the exceptions recognised within the Policy as offering massive scope to developers, including that regarding residential extensions not causing *serious* harm (emphasis added). The Trust sought greater clarity regarding the applicability of Policies NE8 and EVE3 within the Park. On the other hand the Chamber saw tensions between the levels of control and other needs of the Island. The AJA, notwithstanding their enthusiastic support for the Park, considered that the requirements to permit a residential redevelopment were too onerous and did not cater for replacing an

existing poor quality building. Deputy Le Fondré raised concerns about visitor facilities being inhibited within the very areas where they may be most needed. And having not supported Mr Troy's arguments for excluding developed localities, we now need to consider how Policy for the National Park would bear on them.

- 4.39 We comment in Chapter 7, Economy, on what we agree is ambiguity between Policies EVE3 and NE6, recommending that, as an aspect of economic policy, EVE3 does no more than simply confirm that developments within the National Park will be determined in accordance with NE6. We will come to NE8 shortly and make a somewhat similar recommendation with regard to it.
- 4.40 As regards Policy NE6 being too lax, the head paragraph is that the designated area "will be given the highest level of protection from development and this will be given priority over all other planning considerations. In this area there will be the strongest presumption against all forms of new development for whatever purpose". That is hardly lax.
- 4.41 But we again make the point that the National Park is not a single entity like a Country Park or managed nature reserve, but swathes of land that although sparsely populated and substantially wild and natural, do encompass places where people live, farm, visit recreationally and run businesses. These should neither be wished away nor set in aspic to meet conservation interests. The exemptions to the headline paragraph are recognition of that and we think strike a fair balance. On the AJA's particular point regarding replacement dwellings, we accept the Minister's response that read in context the requirement for a "reduction in visual impact" does not necessarily mean a physically smaller or more secluded building, but could fairly be applied to the replacement of a visually mediocre dwelling with one more suited to its setting.
- 4.42 Exemption 3 facilitates "proposals for new or extended cultural and tourism attractions" – we think that is right bearing in mind the second primary purpose of designation – subject as this is to requirement that they are "sensitively related to the distinctive landscape character and heritage of the area". We do however **recommend** deletion of the concluding words "and are in accordance with Policy NE8 'Access and Awareness' and Policy EVE3 'Tourism Support Facilities in the Countryside' ". We found it difficult, as evidently did others, to discern which was the determinative policy and which the cross reference. We think that logically it should be NE6 and that this should be unambiguous. Subject to that small matter of clarification we recommend that the Minister makes no amendment to Policy NE6.

### **Proposal 5 Coastal National Park Management Plan**

- 4.43 In Proposal 5 the Minister undertakes to develop and adopt a Management Plan for the Coastal Park. We see this as essential. Achieving the primary purposes of the Park will depend not only on development control, important though that undoubtedly is. Success will also depend on how the various component areas are managed, on how those living and working within it perceive the Park, on the degrees of support from organisations and businesses, on the behaviour of visitors and behind all this on whether Jersey residents feel a sense of pride and "ownership". All this being so, we commend the intention for the Management Plan to be undertaken in co-operation with other public and

private agencies, interest groups, landowners and farmers. "Interest groups" we assume is not intended to exclude individuals from contributing.

- 4.44 Our only reservation – which we know is shared by others – is the timescale of "during the Plan period". We are acutely conscious of the number of commitments arising from the IP and our report, including a number with timescales unavoidably linked to adoption of the Plan. Even so, it does seem to us that for the Park to be successful – to be more than just a designation on a map – early engagement will be vital or the moment lost. It might be that rather than producing a final definitive Management Plan, the Minister envisages something that is more of a continuous process – a forum for generating and taking forward ideas for how the Park is best managed and responds to circumstances. In any event we commend the recognition in Proposal 5 for a co-operative approach.
- 4.45 We take the opportunity here to make broadly similar points with regard to Proposal 6: Landscape Management Strategy.

### **Policy NE7: Green Zone**

- 4.46 The Green Zone, defined on the Proposals Map, is unsurprisingly by far the most extensive area designated by the IP. There is a general consensus agreeing with the principle of it combining the 2002 IP Countryside and Green Zones; the AJA described the current policy approach within the 2 separate zones as being identical.
- 4.47 The AJA raised concerns about what they described as "reverse zoning" – the net reduction in BUA defined by the IP compared with the 2002 Plan. Mr Troy questioned the inclusion of open spaces and domestic gardens on the periphery of the BUA within the Green Zone.
- 4.48 We see the AJA objection (which we also mentioned at para 2.27) as less concerning the extent of the Green Zone as such but rather whether the Plan makes adequate provision for development in general and housing in particular. The tighter BUA boundaries flow from the strategic aims of the IP, themselves determined by the States Strategic Plan. We look at these matters in our Chapters 2 and 8 and specific sites in Volume 2; in the context of this present Chapter we see no basis for recommending any wholesale revision to the Green Zone boundaries, which as with the National Park are founded on Character Areas in the CCA. Nor as a matter of principle do we see any reason why peripheral open spaces and gardens should not be within the Green Zone. Owners and occupiers are not inhibited in day to day activities; but developments proposals, which might potentially, have a substantial impact on the open setting of the BUA, will be subject to a policy framework aimed at protecting the qualities of the Green Zone. Having said this, in Volume 2 we conclude in a few small individual cases, based on their own merits, that the BUA boundary has been drawn too tightly and recommend accordingly. Subject to that, we here make no recommendation for amendments to the extent of the Green Zone.
- 4.49 The debate regarding planning policy within the Green Zone in some regards echoed that regarding the National Park. The Chamber, for example, sought greater flexibility, the NTJ was concerned about the scope for harmful development to be permitted, while the RJHS again highlighted abuses and

failures of enforcement not least with regard to domestic encroachments onto agricultural land.

- 4.50 In a number of cases Mr Stein put forward arguments (in similar terms) to the effect that Policy NE7 should be redrafted to make easier the development of a variety of small sites (generally infill sites or sites on the edge of the BUA). See for example his comments on sites B2 (Brook Farm St Brelade) and B8 (Oak Lane Farm, St Brelade).
- 4.51 Our conclusions are similar to those with regard to Policy NE6 and the Coastal Park. The head paragraph of Policy NE7 states: "The areas designated as Green Zone on the Proposals Map will be given a high level of protection and there will be a general presumption against all forms of new development for whatever purpose." The tone is less protective than NE6, but rightly so given that the Green Zone comprises the generality of countryside covering the greater part of the Island. However, it is on any reading a high commitment to protect that countryside. But even more so than within the National Park the policy framework has to recognise that the Jersey countryside is a living, working and recreational landscape. In our view the listed range of developments that might be permitted, and the caveats attached, have been well drafted to meet the reasonable expectations of applicants for planning permission while continuing to safeguard the essential qualities of the Jersey countryside. We firmly reject Mr Stein's proposition that the policy should be modified to make the development of small sites easier – as we say elsewhere, the cumulative effect of such development could be damaging. In Chapter 7 we touch on issues of planning enforcement but we see nothing in the way Policy NE7 has been drafted to add to the difficulties. We recommend that the Minister makes no amendments to Policy NE7.

### **Policy NE8 Access and Awareness**

- 4.52 As foreshadowed above we **recommend** that the Minister amend Policy NE8 to delete the words "in accord with Policy EVE3 'Tourism Support Facilities in the Countryside'" in order to clarify that NE8 is the determinative policy.
- 4.53 There were other written representations on this part of the IP, all of which we have considered. Some of them, in our view, fall outside the scope of the IP; in the remaining cases we accept the view expressed by the Minister. We also accept his views regarding the three points arising from the SEA, where he does not propose to alter the IP.

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## CHAPTER 5 HISTORIC ENVIRONMENT

### Introduction

- 5.1 Relatively few representations were made about the Historic Environment Chapter. However, there were some robust comments about Policy HE1 which we discussed at the EiP, and we deal with that debate here; we also comment on the written representations on the remaining HE policies.
- 5.2 As the IP indicates at para 3.9, the historic environment protection regime is the subject of review. We were told by the Minister that Consultants had been appointed to carry out this major task, and it was expected that it would be completed within three years. This was a more thorough review than previous exercises (the AJA agreed with this) and would introduce a single tier system with four levels of grading which would help development control officers in dealing with cases affecting historic buildings or locations. A good many of the comments in writing and in the debate relate in effect to that review and not to the policies in the IP itself. The Minister indicated that he was minded to amend the IP to reflect progress on the review, and of course we support this. But we seek to restrict ourselves here to the policies in the IP, while noting the importance of the review.

### Policy HE1

- 5.3 Perhaps the kernel of the argument in relation to HE1 is set out in the written evidence of the AJA: ".....several AJA members expressed the view the section on Historic Environment section has now become overly restrictive in its policies towards old buildings.....There is a perception an antidevelopment culture now predominates in case of historic buildings, making them immune from the worldly concerns and pressures that the rest of the Island Plan seeks to address".
- 5.4 The IoD and the Chamber, in their written comments, supported the review but also made points suggesting the need for greater flexibility. At the EiP the AJA suggested an amendment to Policy HE1. The first para says (broadly) that proposals which do not preserve or enhance protected buildings or places will not be approved; the AJA suggested adding "except where there is over-riding public, economic or social benefit". Mr Waddington supported this view, and was concerned that St Helier could become a "museum". There was too much obsession with preservation.
- 5.5 The proposal did not go down well in all quarters. The CPJH, for example, felt that such a clause would allow a chink in the armour. Their view, which was supported by the National Trust, Mr Gibb and others, was that too many buildings had been lost in the past and that experience had shown that the policies were in fact too weak to protect the most important buildings. It was too easy already to depart from the list. Mrs Steedman was concerned that it was impossible to define "over-riding benefit"; and the National Trust called for a robust policy.
- 5.6 The Minister's view was that sufficient flexibility already existed, and he pointed to para 3.18 and the part of HE1 which referred to "exceptional cases". The

Minister had obligations under the law and international conventions to protect the historic fabric. It was in his view best to have a robust and straightforward policy, but he could (and indeed, to the chagrin of the CPJH and NT, did) depart from it under Article 19(3) of the 2002 Act.

- 5.7 This is always a hard issue to get exactly right. On balance, however, we agree with the Minister. Introducing exceptions to policies can be dangerous, and can create uncertainty, or provide loopholes which can too easily be exploited. We also agree that defining an “over-riding benefit” would be exceptionally difficult. The policy does not represent a major change of direction as compared with policy G13 in the 2002 IP, and overall the evidence we heard seems to suggest that that policy has not inflexibly prevented the loss of, or changes to, historic buildings over the years. We therefore recommend no change.
- 5.8 There are three other points to make. Firstly, the Chamber referred to historic buildings in a poor state of repair and felt that these might benefit from deregulation, especially where they were inhibiting development. We think there are dangers here; if the message got around that allowing a building to fall into a poor state of repair might be a convenient route to permission for demolition, the consequences for some buildings could be serious. Secondly, we note the National Trust’s view about internal fittings etc; the Minister indicated, and we accept, that this can be controlled under the existing policy or that proposed in the IP (“proposals affecting any historic fabric deemed to be part of the special interest of the building or place can be regulated” – Minister’s response to consultation). Thirdly we note and support Deputy Le Fondré’s comments on historic footpaths. It is useful to have drawn attention to this, but in a lengthy response the Minister indicated (and we agree) that this is a matter of practical implementation rather than one for the policies in the IP.

## **Policies HE2-5**

- 5.9 Policy HE2, which deals with historic windows and doors, was generally supported. Mr Renouf, however, made a number of comments about the “insensitive and ignorant replacing of period windows in particular”. We recall that on Day 1 Senator Ferguson had complained about the “prescriptive” approach to things like uPVC windows. But nonetheless our sympathies lie with Mr Renouf and we noted examples of the kind of development he describes as we travelled around the Island. We are not sure, however, that we can or should recommend any change to the policy in the IP, which seems to cover the point well. As the Minister said in his response, this is a matter of enforcement. We hope, however, Mr Renouf’s comments will not be forgotten.
- 5.10 Proposal 7 and Policies HE3 and HE4, all of which deal with Conservation Areas, were generally supported, but we must deal, briefly, with a comment from the AJA on Policy HE5 dealing with the preservation of archaeological resources. Their view was that remains need not always be preserved on site, but could be placed in the Museum where they could be easily accessed. We firmly reject that view and believe that the Minister is right to suggest that evidence should normally be preserved in situ where in the future more advanced techniques may enable more information to be extracted. This is we understand a generally held view amongst archaeologists: the recently superseded UK document PPG16 Archaeology and Planning for example included that “... there should be a presumption in favour of their [archaeological remains] physical preservation in situ ...” The replacement PPS5 Planning for the Historic Environment and its

Practice Guide similarly requires applicants and planning authorities to “Seek to eradicate or minimise impact through design (for example foundations that span sensitive areas rather than penetrate them)” .

5.11 We recommend no changes to Policies HE2-5.

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## CHAPTER 6: BUILT ENVIRONMENT

### Introduction

- 6.1 We take the opportunity here to discuss issues relating to St Helier, which is covered in Objectives BE1 and BE2 and in some of the Policies, especially BE1. It is also covered in policies in other parts of the IP. As we mentioned earlier, there was a debate about this on Day 1 of the EiP, when we were discussing the strategic policies which of course give priority to development for housing to the urban areas, and to retail and office development to St Helier via the sequential approach in Policy SP3 (see Chapter 2 of this report). We return to it again when we consider the retail policies (Chapter 7), its capacity to take housing development (Chapter 8), and some of the traffic and transport issues (Chapter 10).
- 6.2 We also deal in this Chapter with the rest of the Built Environment Chapter of the IP, which for the most part attracted relatively little comment. We deal with Proposal 14 in Chapter 8 of this report when we consider housing (and particularly Policy H5).
- 6.3 It is worth saying at the outset that many of the comments made on this Chapter may most appropriately be considered as part of the SPG which the Minister intends to prepare, either for particular regeneration zones or for development control purposes.

### St Helier

- 6.4 We have already indicated support for the strategic policies of the IP, especially (in this context) SP 1 and 3, and we won't repeat that material. We have supported a strategy which concentrates development in St Helier and the rest of the BUA. As, obviously, the major centre, however, the effect of this on St Helier is crucial and it attracted a lot of written contributions and a substantial debate at the EiP. We felt that one or two of the contributions (eg "Much of St Helier has been allowed to become a squalid slum") were grossly exaggerated, and the Chamber pointed out in the debate that St Helier was a thriving office and retail area of which many would be envious. A sense of balance is required. But this is not to diminish the genuine concern which existed.
- 6.5 Although the debate was lively, it has to be said that it was primarily directed not at what appears in the IP itself but at what does not appear. It was the evidence of Mr Waddington which provided the basis for the discussion and his written submission (with its concept of a "polycentric St Helier") impressed us and others in its analysis of the town. The key argument which was put was that there was a lack of "vision". Though there have been two efforts to plan comprehensively for it (by EDAW in Doc BT11 and Willie Miller in Doc BT10), these have not been fully adopted and it was felt by several contributors that there was a vacuum and that the proposed separate plans for regeneration zones set out in Proposal 11 would provide a fragmented rather than a comprehensive approach. The policies in the IP were about legislation or about protection, but not about imagination or vision; the IP was a missed opportunity.
- 6.6 Mr Waddington's views were generally supported by Mr Smith, Mrs Steedman (who also made useful written submissions), Mr Gibb, and the AJA; and by the

JEF, IoD, and Mr Willing in their written submissions. Deputy Wimberley regretted past unwillingness to tackle the problems directly.

- 6.7 It is not entirely clear to us why the Willie Miller study in particular (which received some praise) has not been fully adopted – though we were told it had “informed” the IP along with the EDAW study. The Minister did accept that a “central vision” for the town seemed to be missing, though he felt that the IP did set out some clear directions on housing, retail and economic development particularly. The Minister indicated that he did not have the resources to “handle such a large project” in any event; and his view was that the various regeneration zone plans included in Proposal 11 would provide the necessary guidance.
- 6.8 The question which arises for us is whether the IP itself needs to be amended in any way. Though we asked for them, nobody made any specific recommendations to amend Objectives BE 1 or 2 (leaving aside the minor change the Minister has proposed concerning the deletion of the word “features”, with which we agree). Nor did anyone suggest any specific changes to Policy BE1 or 2. Rather there was general support for BE1 with regard to town centre vitality. (There were a number of written comments on BE2 but we think these are a matter for consideration as plans for the waterfront develop). Mrs Steedman and others queried the aim behind expanding the core retail area (as defined on the Proposals Map) southwards from Broad Street towards The Esplanade. The Minister explained that this was aimed at a greater degree of linkage between the existing core and the Waterfront, but was solely a facilitating provision in the Plan which would come into effect only if a demonstrable need for more comparison shopping floorspace arises.
- 6.9 The possibility was raised of delaying the IP while a plan for the whole of St Helier was produced. This, since we agree with the view that an overall visionary plan would be beneficial, is worth consideration – but only briefly in our view. There is so much else in the IP which needs to be taken forward, and any delay could be a long one. Alternatively it was suggested that a statement might be incorporated in the IP linking it to forthcoming SPG which would provide the vision which was sought. This would be easy enough to do; but it would not in itself produce the desired outcome.
- 6.10 Our view is that this is a matter which should be considered very seriously by the Minister outside the IP process. He should look at the proposals from Mr Waddington and consider the other contributions which were made. The adoption of the Willie Miller study would go some towards filling the vacuum. And the production of the plans for the regeneration zones will tackle the most immediate problems. But there still remains a case, if the resources could be found, for a further overarching vision which ties together the separate regeneration plans within a single comprehensive strategy. In doing this, the views of Mr Mcloughlin about the importance of a cultural strategy should not be overlooked.
- 6.11 We recommend no change to Objectives BE 1 or 2 or Policies BE 1 or 2, but outside the IP process we urge the Minister to consider the need for an overarching strategy for St Helier in the light of the debate and our comments above. One way of giving impetus to this would be to build in an indicator to “Indicators BE2” on page 138: “Progress of development of overarching strategy for St Helier”. We so **recommend**.

## **The remaining BE Proposals and Policies**

- 6.12 We have considered the written comments on the remaining sections of this Chapter, which were mostly supportive, and have little to add. We have dealt with the question of Conservation areas also in Chapter 5. Proposal 9 was also supported, and respondents are anxious to see the completion of the Public Realm Strategy. We deal with Proposal 8 below.
- 6.13 There were various comments on the sections dealing with density, not all in agreement. Deputy Wimberley and the AJA were amongst those who were concerned about the amount of development which was to come to the town; and we deal later (in our Chapter 8) with housing mix and the relatively large number of smaller apartments which already exist. But Deputy Le Fondré and others felt that "higher and more land-efficient" densities were entirely possible (with the caveat of good design). We are touching again here on the opening debate about strategy – lower densities in the BUA would mean greater encroachment onto open land. The AJA were among those who called for more guidance on density; we note the intention to produce SPG on "Guidelines for Residential Regeneration" alongside the adoption of the IP (see Appendix A) and anticipate that this will provide the guidance needed.
- 6.14 We note calls for greater flexibility in relation to BE3, the green backdrop zone (Deputy Le Fondré) and BE10, roofscape (Mr Willing), but in both cases we believe that the policies as written are reasonable, and that to weaken them would carry dangers of too wide an interpretation. We make no recommendations for change. As we have said, we deal with Proposal 14 in our Chapter 8.
- 6.15 We do not comment on the individual regeneration zones. Various remarks were made about the North of Town Masterplan, but this was not before us; other comments were made about Fort Regent and the remaining zones but these are for consideration separately.
- 6.16 The central issue regarding the Airport Regeneration Zone (Proposal 12) was concern regarding its possible extent onto greenfield agricultural land rather than the substance of development within the zone. The Minister confirmed that the boundary on the Proposals Map is no more than indicative. His intention to clarify it so that the zone is clearly limited to the airport's existing operational area (ie not including outlying land owned by the Airport authority) met the concerns and we endorse the change. Understandably the Chamber was intrigued to find out what type of development might occur, and Mr Dubras made suggestions regarding the approach. However, we were told that work on the Masterplan is underway led by the Airport authority under EDD, though previous indications looked to light industrial and similar developments to help diversify the financial basis of the Airport. No one demurred.

## **St Helier Conservation Area(s)**

- 6.17 Prior to the EiP representations from, for example, the AJA and Chamber in essence suggested that the Plan is unduly focussed on conservation to the detriment of regeneration and growth. At the EiP Mr Harding (AJA) expressed himself rather less concerned having read further into the document, acknowledging that the conservation policies do also provide for future needs. Others, such as Mr Ferrari (CPJH) and Mr Gibb went further, as did the Minister,

stressing the positive contribution that heritage and conservation can bring to future development and economic growth. We accept this proposition, which is well expounded in the IP at paragraphs 3.4 and at 4.24 onwards. Protecting and enhancing the Island's built heritage brings obvious direct benefits to the tourist economy but nor should its influence on inward investment decisions be understated, particularly as regards "high end" businesses. We do not, of course, suggest that conservation is in any sense justified solely for economic reasons; it is worthwhile for its own sake, we simply make the point that it should not be seen as in opposition to the needs of the island but an important aspect of meeting those needs.

- 6.18 IP paragraphs 4.29 and 4.30, leading to Proposal 8, debate without fully resolving whether there should be a single conservation area encompassing the whole historic built-up area of St Helier (seen by the AJA as risking absolute nonsense arriving at a later date) or several discrete separate designated areas. At the EIP Mr Ferrari was uncertain about discrete areas seeing St Helier as perhaps so much "knocked about" leaving historic buildings in scattered groups. Mr Gibb made the surely valid points that conservation areas are about character and not necessarily individual historic buildings; also that conservation area designation does not prevent development. The Minister referred back to the Willie Miller study (BT10) as floating either a single large or phasing in several discrete conservation areas. In any event the Minister will take into account the results of full consultation prior to adoption.
- 6.19 It seems to us that Proposal 8 is plainly drafted in the plural, implying separate discrete conservation areas. Notwithstanding options posed by Willie Miller, and some ambiguity in the IP supporting text to Proposal 8, we think that several separate areas is the right way to proceed, which need not necessarily be contiguous. Of itself, a conservation area designation achieves little or nothing. What is important is the associated appraisal of the appearance and character of the area that justify the designation, and what local policies and processes are to be instigated to protect or enhance them. We hesitate to put the issue quite as starkly as did the AJA but we would share their concerns regarding an overlarge conservation area spanning localities of distinctly differing appearance and character. We see no reason to recommend any change to the wording of Proposal 8 but do **recommend** that supporting text retained in the adopted Plan should point to multiple discrete areas and that this is the basis on which the Proposal is taken forward.

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## CHAPTER 7: Economy

### Introduction

- 7.1 In this Chapter we consider a number of aspects of the IP Economy chapter that attracted comment and one specific site, Thistlegrove, St Lawrence.

### Objective E1: Economy Objectives

#### Policy E1: Protection of Employment Land

- 7.2 Policy E1, sets a "presumption against development which results in the loss of land for employment use as supported by Strategic Policy SP5 Economic Growth and Diversification ...".
- 7.3 The Policy was strongly opposed by, among others, the AJA, JHA, individually also by Morvan and Savoy Hotels (Mr Morvan and Mr Lora) and by Mr Ludlam. Deputy Le Fondré was sympathetic to their cases. The AJA described the policy as an unwarranted interference with the market, inconsistent with the aim in IP Objective E1 to "encourage a balanced and more diverse economy and assist all sectors of the economy to adapt and change in the market place". Mr Ludlam argued that such interference with an owner's use of their own property probably amounts to a breach of the Human Rights Act, risking legal challenge.
- 7.4 The JHA and the individual hoteliers were among those who referred to an earlier failed policy attempt to retain prime hotels in their existing use: the economy changes, particularly the leisure industry; flexibility is paramount. The maximum potential market value of a property asset may be needed to secure finance, for example to carry out essential upgrades either at these same premises or elsewhere in the proprietor's property portfolio. The policy may actually cause a business to fold for want of investment. For many proprietors in the hotel and leisure industry, their premises may also be their pension pot; they should be free to exit after a lifetime's work and sell at the highest price obtainable when they retire.
- 7.5 The Minister's concession in being minded to exempt sites where "existing development is predominantly office or tourist accommodation" was welcomed but it did not go far enough: it should be widened to "tourism based employment sites".
- 7.6 We have noted elsewhere the Minister's undertaking to have the Plan reviewed by the States' legal service regarding compliance with the Human Rights Act. Here we limit ourselves to noting that the provisions of the Act most directly relevant to planning impart qualified rather than absolute rights. Protocol 1, Article 1: Protection of Property makes express provision for states to regulate the use of property in accordance with the general interest.
- 7.7 We therefore turn to the more specific scope of the Policy. As the Minister stressed at the EiP, and we think that this is fundamentally important here, Policy E1 does not seek to prevent employment sites switching from one employment activity to another. We touched on this earlier. In essence, what it does is create a presumption against the loss of employment sites to other types of uses, in practice normally residential, that might well yield a considerably higher valuation. It seems to us that far from undermining

business interests, the Policy provides a crucial safeguard to maintain a stock of affordable premises, of different sizes, not least in localities where other policies militate against new development. This may be vital for anyone seeking to enter or expand in any sector, including leisure and tourism, where they might otherwise be "squeezed out" by proposals for residential redevelopment.

- 7.8 The Policy is not inflexible; it does, rightly, recognise exceptions. Briefly: where a site is demonstrably unviable for any employment use; where community benefits from the new use would outweigh adverse employment effects; or where employment use causes inherent environmental problems.
- 7.9 There are obvious flaws with an exemption simply to provide a higher site valuation to use as collateral. To serve any purpose that higher valuation must be capable of being realised in practice, and also to provide finance above that which the employment enterprise could attract on its own merits. In practice the likely outcome would be disposal of the premises for the higher value use, probably residential. We see similar objections to the concept of treating the maximum potential valuation, again probably residential, as a pension fund over and above the sale price of the business itself.
- 7.10 Conversely the two exemptions now proposed by the Minister do make sense. Tourist accommodation, say a hotel, guesthouse or self catering units, is already akin to a residential use and offers little scope for a change to some other form of business activity. Whether tourist accommodation constitutes the existing predominant use on a site will normally be evident; sites in mixed usage would need to be assessed on their individual merits. Redevelopment proposals for camp sites and similar open-land uses would in any event be likely to be subject to other development control policies, such as those for the Green Zone. As regards the other intended exemption, outdated and surplus offices may well offer scope for conversion (in some cases reversion) to residential use, as office based businesses seek more modern premises with cabling and open footplates.
- 7.11 We also support the removal of the words "for 12 months" from the Policy, together with the Minister's proposed new paragraph in the supporting text at 5.22 and his intention to produce SPG to deal with the protection of employment land, for the reasons given by the Minister in response to the Style Group representation.
- 7.12 We **recommend** that the Minister amends Policy E1 as he proposes but not otherwise

### **Objective EVE1: Tourism Objectives**

#### **Policy EVE1: Visitor Accommodation, Tourism and Cultural Attractions**

#### **Policy EVE2: Tourist Destination Areas**

#### **Policy EVE3: Tourism Support Facilities in the Countryside**

- 7.13 Policy E1, just considered, is applicable across employment uses generally, but in practice objections to it focussed mainly on its impact on hotel and leisure businesses. We therefore linked the debate to that regarding the EVE objective and 3 of its related policies, with the same group of participants. There is one further Policy EVE4: Beach Kiosks, favourable to the retention of

beach kiosks and cafes so long as these do continue to serve a beachside trade. This attracted little comment.

- 7.14 In other regards, however, first the tone was criticised by the AJA and JHA in particular. Here and elsewhere the AJA saw the IP as constraining rather than facilitating. JHA contrasted Policy EVE1 with the approach in the current 2002 Plan, where under Policy TR1: "... proposals for new tourist accommodation ... will be favourably considered, provided ...". A similarly more positive approach was sought in the IP Policies, which as they stand do not reflect the aim in Objective EVE1 "to *promote* (added emphasis) improvements in the range, quality and sustainability of visitor and leisure attractions for the benefit of local residents and visitors".
- 7.15 Deputy Le Fondré (very properly declaring his own interest in a particular site) was one of several participants concerned that Policy EVE1 would limit new tourist facilities to the BUA, whereas the need might well be elsewhere. He referred to several successful tourist attractions within what would become the National Park, where these would not be permitted under Policy EVE1. He suggested designating certain locations within the Park as tourist centres where further related development ought to be possible. JHA were also concerned about the Policy being too coarse: it ought not to inhibit even the smallest proposals, indeed they saw this as a general criticism of the IP.
- 7.16 On the question of tone, the Minister has accepted some of the criticism though his intended response is hardly what the objectors were seeking. At the EiP, rather than amend the Policy he proposes to amend the second aim in Objective EVE1 so that it reads: To sustain on going improvements in the range, quality and sustainability of visitor and leisure attractions for the benefit of local residents and visitors. His reasoning (in this particular case and more generally throughout the IP) referred back to the States Strategic Plan, as reflected in the IP strategic policy framework including Policy SP5, which now seek a more balanced approach towards sustainable growth.
- 7.17 We looked at the strategic framework previously, in Chapter 2, recognising the primacy of the States Strategic Plan and also endorsing the more nuanced approach towards development and growth adopted by the IP compared with the current one. The Minister's amendment to Objective EVE1 is consistent with this change and we recommend that he proceeds as he intends.
- 7.18 The substance of the Policy is consistent with the strategic aims. It is most favourable towards new or extended tourist accommodation and attractions within the BUA. Subject, as the Policy is, to normal development control considerations, developments located within the BUA are likely to have fewer environmental and traffic impacts than those elsewhere.
- 7.19 Policy EVE1 does not in fact directly set out either a permissive or restrictive approach towards visitor accommodation, tourism or cultural attractions within the Green Zone; as an aspect of the IP Economy chapter it simply refers to and briefly summarises relevant aspects of Policy NE7 (which we addressed previously in Chapter 4). Subject as always to normal development control considerations, the Policy is favourable towards extensions to existing tourist accommodation, conversion of existing buildings or development of new tourism and cultural attractions, where the proposal is directly related to an existing tourism, leisure or recreational facility. That seems to us a helpful

approach towards existing tourist and leisure businesses located in the countryside.

- 7.20 Policy EVE1 is silent regarding proposals for wholly new such developments in the Green Zone though some limited scope is allowed for under Policy NE7.10. We think that the Plan is right to take a cautious approach (short of an absolute prohibition) towards new tourist accommodation or leisure attractions within the Green Zone not directly related to an existing facility. Jersey's attractive countryside, as well as being worth safeguarding for its own sake, is clearly an important asset for the tourism and leisure economy. It would be ironic if that very asset were to be eroded by individual tourism related developments seeking to benefit from being located in the Green Zone. Hard cases make bad laws but we can't resist mentioning here the impact of the former Plemont Bay Holiday Camp on an otherwise highly attractive headland.
- 7.21 Similarly, although Policy EVE1 concludes with a presumption against both new tourism developments and extensions to existing ones within the Coastal National Park, it does so by summarising and referring to part of Policy NE6. We looked at the substantive issues regarding this in Chapter 4, and will not repeat them here save to confirm that when read as a whole, including exception 3 to the general presumption against development within the Park, we consider that the IP does provide the type of scope for visitor facilities sought by Deputy Le Fondré and others.
- 7.22 However the concerns raised are understandable, since there is some ambiguity in the way the second two paragraphs of Policy EVE1 are worded. They convey a greater degree of restriction than that in the most directly relevant policies. We **recommend** that these paragraphs be amended to read respectively:
- Within the Green Zone, proposals for visitor accommodation, tourism and cultural attractions will be determined in accordance with Policy NE7.
  - Within the Coastal National Park, proposals for visitor accommodation, tourism and cultural attractions will be determined in accordance with Policy NE6.
- 7.23 Deputy Le Fondré also suggested extending the Tourist Destination Area designations under Policy EVE2 to individual attractions, for example St Catherine's Café, to ensure that they are not inhibited from reinvestment. We understand his concerns, but having concluded that the Plan is in fact less restrictive than might appear on the face of Policy EVE1 as it stands, we also consider that it would be inappropriate to enlarge the scope of Policy EVE2 as suggested. This Policy is directed to the very different circumstances of locations such as St Aubin and Gorey and should not be diluted by including less significant locations.
- 7.24 We do however **recommend** rewording the second paragraph of Policy EVE3 Tourism Support Facilities in the Countryside, in a similar manner and for similar reasons to our recommendation with respect to EVE1, so it reads: "Within the Coastal National Park, proposals for tourism support facilities will be determined in accordance with Policy NE6".

## Marine Leisure

- 7.25 Representations regarding marine leisure spanned both environmental and economic issues. We heard a range of view at our sessions on both these

aspects of the Plan, however we have collated our views above within Chapter 4 between paragraphs 4.16 and 4.24, and as there we make no recommendation for changes to the Plan.

## **Retail Economy**

- 7.26 We considered what might be called the “vision issue” for St Helier in our preceding chapter on the built environment. There were echoes of this debate again in the economy context: concerns about a southward drift of the town’s vitality and about what was seen as uncoordinated approaches by various States departments and the Parish. The southward drift risked leaving long established hotels and guest houses in the northern outer areas somewhat adrift from the life of the town. The proposed enlargement of the defined shopping area southwards of Broad Street Policy ER1, was again questioned.
- 7.27 However there was a consensus of support for the IP policies most directly applicable to retailing businesses, most particularly the primacy accorded to St Helier as the Island’s main retail centre by Policy ER2.
- 7.28 We had structured this session expecting the focus to be on a paper “Response from EDD to the revised Island Plan White Paper – Retail Element”. At risk of oversimplification, this argued that there is inadequate competition and consumer choice in food retailing, sustaining higher prices, and that the Plan fails to address this. The Paper criticises the analysis in the DTZ report – said to be shaping the Plan – based as it was on floorspace capacity and which acknowledged that it does not consider retail prices or the number of food store operators on the Island. The Plan is characterised as over protective of the existing centre and calls into question the sequential test for new stores set out in Policy SP3.
- 7.29 In the event two things took the sting out what might have been a lively discussion. Prior to the EiP it had been announced that a third major food retailer (Waitrose) was in any event coming to the Island. It might be a moot point whether that particular operator will directly lead price reductions, but its presence will certainly add choice and perhaps indirectly put downward pressure on prices if one or other of the existing operators responds in that way rather than going head to head on quality. The bigger factor in a low key discussion though was that in the event EDD were unable to attend or be present to defend the paper, and the paper was decried by other participants.
- 7.30 Deputy Le Fondré went further and sought to have Policy ER7 strengthened in its opposition to major food retailing outside of St Helier town centre. We do not accept the need for that: the Policy as it stands sets a high bar that would have to be met. But having reflected on the issues raised, we certainly do not suggest that the Plan should be in any way relaxed. An out of town food store, inevitably served by generous surface car parking, might well bring benefits in convenience and, though less certainly, prices to one sector of society as regards one aspect of their lives. In other regards, however, the outcome would be likely to risk inconvenience, and perhaps higher prices, to those necessarily reliant on town centre shops where availability could well reduce as a result of trade diversion to the new store. This is all quite apart from possible harm to the wider character and vitality of the town and to the strategic aims of the Plan (founded on the States’ Strategic Plan) to concentrate development in

the BUA and seek to avoid development in the Green Zone. We find no reason to recommend any change to the Plan in this regard.

- 7.31 We support the minor amendment to para 5.66 proposed by the Minister to deal with the effect of night clubs on hotels.

### **Policy EIW1 – Provision of Light Industrial and Warehouse Land**

- 7.32 Thistlegrove, St Lawrence, light industrial park is one of seven industrial sites zoned by the 2002 Plan, which are to be protected from alternative types of uses by IP Policy EIW2. The history of how this site came into being attracted some adverse comment but it is now established and, understandably, its continued use for light industrial purposes has not been contested. However the IP (para 5.116 onwards) advises that most of the seven sites are full or nearly so and unsuitable for any form of expansion. The one identified exception is Thistlegrove, where Policy EIW1 proposes to extend the light industrial zoning. The site is close to the boundary of St Lawrence and St John Parishes, and the expansion was opposed by, amongst others, Constable Mezbourian (St Lawrence), Deputy Rondel (St John) and Mr Andrew Morris. We programmed a specific session of the EiP when the points for and against were debated.
- 7.33 We did not see the issues as completely clear cut in either direction. Having visited the site prior to the EiP sessions we made another, more extended, visit after the debate, with the points that had been made very much in our minds.
- 7.34 Weighing against the zoning, we see first and foremost its rural location. But for the provision made by Policy EWE1 to zone this parcel of land for light industrial or warehouse purposes, any application to do so would be likely to fail in accordance with the presumption in Policy EIW6 against such developments in the countryside. There is no suggestion that this site could comply with any of the listed exceptions. More broadly, the rural location runs counter to the thrust of the strategic aim (which we have supported repeatedly in this report) to steer most development to the BUA rather than the Green Zone. Nor is the rural location offset by sustainable accessibility for employees: it is not closely or frequently well served by bus services, and walking or cycling from the nearest settlements (St John to the north and Carrefour Selous to the south) is along a busy main road without footways. And two houses would be left essentially appended to a sizeable industrial estate.
- 7.35 Conversely, on uncontested evidence there is a clear and pressing need for modern light industrial premises on the island. There may be difficulties at La Collette because of revised safety zones required post Buncefield, and in the longer term because of possible harbour relocations. Also it is now clear (para 6.16) that the Airport regeneration zone is to be tightly defined; and in any event it is likely to be most attractive to aviation related businesses. This leads us to conclude that there is unmet need for light industrial and distribution units which the Thistlegrove extension would go a good way towards meeting.
- 7.36 Visually and in terms of character, the location is already fully industrial on the existing site and in a mix of industrial, commercial or quasi industrial activities across the proposed extension. These activities currently are dispersed in an ad hoc manner using a variety of former, generally unsightly, agricultural structures. We understand that these activities are now viewed as lawfully

established. Modern buildings on the existing zoned area are higher but much more orderly in appearance and character; in our estimation the existing site has only a small impact on the surrounding countryside, restricted to the immediate locality. The extension land is well screened by hedgerows, and although this would rarely amount to a reason of itself to permit a development it is a further favourable consideration. Indicative plans show how buildings broadly similar to those on the existing site could be laid out, set back from the outer boundaries so as to minimise their visual impact.

- 7.37 The whole complex is currently served by 3 accesses off the main La Grande Route de St Laurent (A10) and 3 more off the very sub standard (in highway terms) minor side turning, La Rue de la Scellementerie. This unsatisfactory arrangement could be rationalised, again as illustrated on submitted indicative layouts, with fewer accesses off the main road and none serving the enlarged site off the minor side turning. This would represent a noticeable improvement. As the Traffic Impact Assessment confirms, the new access arrangements could serve the enlarged site; there would be an increase in vehicles, light and HGVs, but nothing that might be characterised as a continuous flow of traffic. The A10 does not fully meet modern highway standards (few of the Island's roads do) but it is part of the Primary Route Network, intended to carry traffic serving the island, and it is of a reasonable standard to do so. Also, although not well served to provide a choice of travel mode for employees, the location central on the island does offer strategic benefits of reduced distribution distances that might be attractive to any business serving, for example, the agricultural or tourism sectors.
- 7.38 We understand the views of the occupants of the two adjacent houses, but inherently light industrial type activities are limited to those that might be located in a residential area, or in this case near two houses. Subject to proper account being made for the presence of these houses in any detailed layout, we do not see their presence as a reason to recommend against the new zoning. Nor do we foresee any insurmountable difficulty in providing for sustainable surface water drainage within what would necessarily amount to a comprehensive and carefully thought out scheme.
- 7.39 These more detailed points lead us to Constable Mezbourian's further objection that any zoning should follow a satisfactory development brief rather than rely on one being produced later. Certainly we would not recommend confirmation of the intended zoning based solely on an uncertain hope that the details can be sorted out later. However, although any future planning application would need to be considered on its merits, and might be refused accordingly, the current illustrative layouts, Traffic Impact Assessment and further information provided by MS Planning convince us that a satisfactory scheme ought potentially to be possible, subject doubtless to a number of planning conditions. We **recommend** that the Minister does not amend Policy EIW1.
- 7.40 It is convenient at this point to deal with the site which we number L1 – Bienvenue Farm, which is directly adjacent to Thistlegrove light industrial estate. This site was put forward for housing development. It is currently occupied mainly by polytunnels and is largely surrounded by development. It was argued that it is of limited agricultural value. Housing would be a suitable use as there is a house, Thistlegrove, already adjoining the site.

7.41 The Minister had assigned scores of "Poor" (spatial strategy), "Low" (Suitability), "Low" (Landscape sensitivity) and "Poor" (Use) in the Suitability for Housing Assessment (Doc BT18). We agree with the Minister that this is not a suitable location for housing – despite the established dwelling which it adjoins; it is remote from the BUA and contrary to the general housing strategies of the IP. However it may in due course form a possible location for any necessary extension of the Thistlegrove estate itself. The Minister agreed at the EiP that, should the land be developed in the future, it would be a more appropriate use. For the present, however, we **recommend** that the Minister does not amend the Plan.

### **Policy ERE6**

7.42 There were representations regarding Policy ERE6, notably from the RJAHS and the JFU (who, in summary, stressed the importance of the provision of new agricultural buildings) and the National Trust who (again in summary) took a less supportive view. We think the Policy has the balance right; strict control is necessary but the Policy does not preclude development in the right circumstances. We were interested however in the Minister's proposal in answer to the RJAHS that it was "worth considering" on new development a planning obligation which requires the owner to remove and restore the land if a shed becomes redundant to agriculture. We think this is more than "worth considering", and should be implemented. We so **recommend**.

### **Policy ERE7**

7.43 The question of the re-use of redundant glasshouses came up at the EiP more than once and we think it is important to make a clear statement on it. There were arguments from Mr Stein during the debates on particular sites that the policy should be applied in a more flexible way because redundant glasshouse sites – in effect brownfield sites – were suitable for providing the residential development needed in Jersey. Mr Stein made this point, in similar terms, in a number of his submissions – see for example his statement on Field 79, Broadfields, St Lawrence (site L2). The JFU also felt that these sites should be used for housing ahead of greenfield sites, and the RJAHS made a somewhat similar point. Deputy Wimberley however was among those who supported a tough policy approach.

7.44 Our clear view is that the policy should not be weakened in any way. A strong policy is needed here. As we indicate elsewhere, in relation to particular sites, it is the location of the sites in relation to the overall strategy of the IP which is critical. Where a redundant glasshouse is well located in relation to the BUA, to local services, and so on then its "brownfield" nature does indeed give it a clear advantage in relation to other sites. But where, as is the case with a number of the sites put forward, they are not so well located then there is no justification in our view for reallocating them for residential development. It would be quite wrong in terms of its effect on the countryside, its relationship to transport policies, its location in relation to jobs and services, and so on for a site in a rural area, away from the BUA, to be used for housing simply because it contained redundant glasshouses. The Policy does allow, somewhat generously in our view, for small amounts of "enabling" development to allow for the restoration of sites; we accept this, though with reservations as it is likely to lead to small numbers of houses being built in sub-optimal locations in the countryside.

7.45 We would add that Mr Le Rossignol and others in their written comments, and a number of participants at the EiP, suggested to us that in future there may be a need for these glasshouses for agricultural purposes. We are unable to be certain about this point – it is clearly a possibility – but our recommendation for no change would generally accord with this view.

7.46 We recommend no change to the policy.

### **Other matters**

7.47 We note and agree with the two amendments proposed by the Minister in response to the SEA (Doc IP6a) (in respect of Policy ERE8 and the general comments on the Visitor Economy).

7.48 We have considered all the other written comments on this Chapter. There were some valuable contributions raising issues which we think fall outside the scope of the IP (eg from Ms Gosselin, from Mr Ed Le Quesne – about “locally owned: import substitution” policies, the suggestion that the Market should open on Sundays, and from various correspondents about diversifying the economy). We see nothing in the IP which would frustrate these aims – but their achievement will depend on actions outside the IP process. We agree with the Minister’s proposal to produce guidelines on the sale of locally produced goods in farm shops, outside the IP. We note with some sympathy the RJAHS’s concerns about the extension of horse liveries across the Island but think this is also a matter outwith the IP. We endorse the Minister’s responses to their extensive and valuable comments on Policy ERE1.

7.49 Deputy Wimberley, NTJ and others raised concerns regarding the application of Policy ERE3 Enabling or Linked Development. We accept that this provision requires careful handling if it is not to be abused, but equally that there are legitimate circumstances in which it will be in the public interest. We think that the policy as drafted contains sufficient safeguards and do not recommend any amendment.

7.50 We agree with the Minister’s proposal in response to Mr de Gruchy to amend the supporting text to Policy ERE5 to refer to Policy SP5. In other cases while we have considered the points made, we accept the Minister’s responses. There were many messages of support for various policies in this Chapter, which we also note.

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## CHAPTER 8 HOUSING

### Introduction

- 8.1 There is no doubt that it was the housing section of the IP which raised the greatest controversy. The most significant areas of debate were the Minister's intention to remove three sites from Policy H1; and the justification for/practicality of Policy H3 dealing with affordable housing. But there were other areas of contention too.
- 8.2 There are certain decisions or policies which form an essential background to this Chapter. Firstly, the States Strategic Plan (relevant parts are summarised in paras 6.3 and especially 6.4 of the IP) establishes a clear objective that all the Island's residents are adequately housed; but it also inter alia requires that no more greenfield land should be developed. In addition it supports the development of affordable housing, and a States resolution passed by a 41-4 majority requests the Minister to bring forward a policy, in short, similar to that in Policy H3 of the IP (see Draft Housing Policies Update Note (Doc BT20) for full resolution). Crucial too, in relation to the sites in H1, is the Minister's concession that no site will be brought forward without the agreement of the Constable of the relevant Parish – hence the proposed removal of the three sites.
- 8.3 The other essential piece of background is the set of Strategic Policies in the IP, which we discussed in our Chapter 2 and generally supported. These are particularly important when it comes to deciding on the distribution of housing, and which sites to recommend for inclusion on the IP; we have already discussed some of the implications of the strategy for housing distribution.
- 8.4 In picking our way through these issues we take the following approach:
- First we look at the overall housing need assessment set out in Table 6.1 of the IP. We refer also to needs beyond the IP period, and look at monitoring.
  - Secondly, we look at the question of supply. We consider the assumptions regarding the amount of development to be accommodated in St Helier, and the windfall sites. We consider and make recommendations on the sites in H1 and also refer to other possible sites which might make up any future shortfall (cross referring to Volume 2 of our report).
  - Thirdly we consider the need for affordable housing, and we consider Policy H3.
  - Fourth we consider the question of housing mix (with reference to Policy H4).
  - Fifth we consider the rural housing policy H5 (including Proposal 14).
  - And sixth, we consider the remaining policies in the Housing Chapter, with particular reference to Policy H9, which was discussed at the EiP. We also make some points about the non-qualified sector.

### Total demand for housing 2009-18

- 8.5 Table 6.1, with the above title, appears on page 238 of the IP. (We are careful about the title because one participant was very anxious to draw a distinction between "need" and "demand". He was right to do this, and the States admitted to a certain interchangeability between these two terms and agreed (in their

response to Pioneer Property Services Ltd dated 22 September) to revisit the terminology.

- 8.6 The table shows a demand for 2000 dwellings in each of the two periods 2009-13 and 2014-18. The background to this is set out in some detail in the documentation, primarily in Future Requirements for Homes 2005-35, dated June 2007 (Doc BT6); Addendum 2 to that document, dated March 2009 (Doc BT6b); and Jersey's Housing Assessment 2008-12, the report on the 2007 Housing Needs Survey (Doc BT5). The Island Plan Review Green Paper – Strategic Options (Doc IP1) and the "Interim Review of Residential Land Availability" Feb 2010 (Doc BT17) and the June update (Doc BT19) also give useful information about how need and demand were calculated. In addition we draw attention to the full written transcript of this part of the EiP (the session held on the morning of Day 5, 27 September, Doc HSD/STATES/1 – HHM/STATES/1). In that session Dr Gibaut from the States Statistical Unit gave a full summary of the way in which the figures in the table had been determined, and answered questions.
- 8.7 Mr Dun was sceptical about the figures, and was concerned that they would not deliver quality housing to all residents of the Island by the end of the IP period. Others felt that in view of the downturn in the economy since 2007 the figures derived from the survey may be too high; this was debated and we conclude on this point that over the IP period the various upturns and downturns in the economy will tend to even themselves out. Mrs Lee, Mrs Lissenden, Ms Valerie Harding, and Mr Mesch also suggested in their written evidence or at the EiP, in different ways, that too much housing was being planned; we have considered all the points they made.
- 8.8 However, it is our conclusion that, in the end, the assessment of *overall* demand was soundly based, and that it was not seriously challenged. This, unlike many areas of our examination, is to a large degree a technical exercise, and it seemed to us that this had been carried out to a high standard. Dr Gibaut did not argue that the figures were precise, and we have enough experience of forecasting of this kind to know that precision is impossible. His view was that for the population/household modelling figures, which account for 1500 out of the 2000 in each period, the margin of error was plus or minus 200. These figures relate to headcount population forecasts transposed to household numbers. For the "latent demand" (the remainder) the margin was plus or minus 100. These figures relate to such factors as existing overcrowding and adult children still living with parents.
- 8.9 There is a greater degree of judgement involved in the latter figures than the former; in particular regarding assumptions of what proportion of "latent demand" for new homes identified in the Housing Needs Survey should be included for the 2009-13 assessment of total demand. Current financial constraints on first time buyers add uncertainty and mean that this element of the assessment may be prudent but necessarily robust.
- 8.10 However we believe the conclusions are reasonable. They mean of course that, though we are content to work on the basis of the IP figure of 2000, we must be conscious that for each period the possible range of demand is between 1700 and 2300. This means that monitoring and implementation are crucial and we deal with this later.

- 8.11 We note that a figure for housing demand of 2000 in each period would lead to a requirement for 400 homes per year, which is somewhat lower than the figure for recent years (560 per year were built in the last eight years, though only 366 per year in the previous sixteen – see BT19). While comparisons of this kind may not always be helpful, because circumstances change so much, we do think this might provide some context for those who thought that the figures for future years were unreasonably high.
- 8.12 We also note that significantly higher population/household growth forecasts appear in the papers we have mentioned (especially BT6b) for the period beyond the IP, up to 2035. We are not asked to examine these figures of course, and the further ahead the forecasts are made the more imprecise they obviously become. We did receive information about possible sources of housing development beyond 2018 – for example in BT6b and in the Town Capacity Study (Doc BT7), which referred to moving the Port; but this obviously remains uncertain. We think it is relevant to bear in mind the potentially high post 2018 demands. Policies are not fixed in time; their effects continue beyond the specific period in question, and under-providing in the current IP period could only exacerbate the problem in later years.

### *Monitoring*

- 8.13 Consciousness of the post 2018 position might lead to a supposition that in allocating land we should err on the higher side of the 2000 mid-point rather than the lower side. We do not make this recommendation because we do not think the hard evidence exists to point that way. We note however that on the supply side (which we examine in more detail later) the IP (as originally published) puts forward sites which it suggests could accommodate 4625 dwellings. The IP in para 6.57 says: "It is considered that the level of anticipated provision over and above the level of estimated demand (at 550 units after five years and 625 after ten years) is prudent, reasonable and justifiable given the estimates and assumptions upon which the forecasts are made in addition to the challenges that remain to ensure delivery of the homes required.....". The IP is thus seeking, by this higher figure, not just to provide for the eventuality of housing demand being higher than forecast, but also for the possibility that there may be delivery problems in relation to the sites identified. This – especially in relation to windfall sites and sites in St Helier – is something which a number of participants anticipated might be a problem.
- 8.14 All this does lead us back to the question of monitoring, and we asked questions about that at various points during the EiP. There is a discussion of this in the Housing Chapter of the IP (6.70-72) and there is also a policy (IM1 on page 465) which deals with it. Policy IM1 refers inter alia to a continuing review of housing (and employment) land supply and allocations; and also to "action to bring forward sites for development [and] development on previously developed land".
- 8.15 We think this is extremely important in relation to the demand for housing and the supply of land (and also to the question of affordability which we consider later). Given the inevitable margins for error in forecasting, we needed to be convinced that a workable mechanism for monitoring was in place. This of course must not be a process which simply absolves the Minister from making the most accurate forecast possible (or ourselves from testing that process). But on the other hand, if robust monitoring and review processes are in place it

will give us (and the participants) comfort that the obvious practicalities of margins for error in forecasting can be overcome if necessary.

- 8.16 We asked about this during the housing session (see the transcript) and also at the end of the EiP during the closing session, and at other points. We are satisfied that reasonable processes are in place. Should the demand for housing prove to be higher than forecast Policy IM1 provides for further land to be brought forward, if necessary beyond the "spare" 625 in the IP. Conversely we do not recommend any formal phasing mechanism intended as a safeguard against supply running ahead should demand prove less than forecast. Experience elsewhere is that such phasing policies can cause unexpected and undesirable distortion in the rate of supply of homes. On all the figures, over-supply is an unlikely eventuality; and harm from a modest over-supply – making some houses difficult to sell or let – would in any event have fewer consequences than a shortage and would tend to correct itself quite rapidly, through market mechanisms.
- 8.17 Nobody suggested that there should be "reserve" allocated sites identified in the IP, as there had been in 2002; this had not proved a successful approach. But in considering the sites which were put to us during the EiP (which are considered in Volume 2) we have this in mind, and we identify a small number of sites which we feel best comply with the overall strategy.
- 8.18 We are not recommending these for immediate allocation in the Plan. These sites arise from representations made in response to the Draft Plan and therefore did not feature in it during the initial public consultation stage. Including any in the Plan now would necessarily require a further round of consultation with the public and States Members (including the Parish Constables) which may well give rise to objections and risk delaying adoption of the Plan as a whole. We think that this would be undesirable, since if the Minister accepts our recommendations with respect to the sites that were indicated in the Draft Plan then we consider that adequate provision will be made against future demand so far as this is presently estimated. Furthermore, even if the IP is adopted by mid 2011 (which must be highly desirable), it will not be easy to bring forward even the sites allocated in the IP – let alone any further sites arising from this report - within the necessary timescale to meet the 2009-13 needs.
- 8.19 We should mention here, for clarity, that in Volume 2 we also in a few instances recommend minor amendments to BUA boundaries to take in small pockets of land out of the Green Zone. Subject to the Minister's acceptance, we see no impediment to these changes being made to the Plan without delay or further consultation. This would not allocate land for housing but simply change the policy context for what, inherently, could be no more than small scale proposals in possible future planning applications, themselves subject to consultation and opportunity for objections.

#### *Category A housing*

- 8.20 We deal in much more detail with the whole question of the need for affordable housing later in this Chapter of our report, when we consider Policy H3. Briefly, we conclude at that point that while the assessment of the requirement for affordable housing is imprecise, it is clear that the need is very high. The IP proposes to deal with this in two ways. The first, as in previous Plans, is to

identify sites which are to be developed for "Category A" housing (defined in the IP at 6.14). The second is to require contributions from developers through the proposed mechanism at H3.

- 8.21 The IP proposes to provide 550 Category A houses in the first period (2009-13) – of which 425 are on sites carried forward from the 2002 IP (or its 2008 amendment) and 475 in the second period – see Table 6.2. The Minister anticipates a growing contribution from Policy H3 in the second period. For the moment we accept those figures as a minimum number of Category A houses which need to be provided, but we return to the matter again later.

### **Housing supply**

- 8.22 The question of the supply of homes is considered in the IP at 6.28-57. There are a number of background documents, most notably two recent reviews of land availability in February and June 2010, which we have taken into account. Proposed provision is summarised in Table 6.2 of the IP. It indicates sites for 2550 dwellings in period 1 (of which 550 are Category A) and 2075 in the second (of which 475 are Category A), giving an overall "over-provision" of 550 in period 1 and 75 in period 2. There are eight components in that table and we consider each of them in turn as follows.
- 8.23 The first two concern Category A sites which were identified in the 2002 IP (2002 Policy H2) or in the amendment made in July 2008 which introduced eight new sites for 300 lifelong and first time buyer homes. Though a number of participants expressed concern at the time which was being taken to bring forward some of these sites, the Minister indicated that he expected them all to become available. There is much detail on this in the Residential Land Availability Statistics, June 2010 (Doc BT19), Appendix 11. On the evidence we were given we accept the figures given (125 and 300).
- 8.24 The third concerns the Waterfront development in St Helier – from which 600 and 400 are anticipated in the two plan periods. A number of participants expressed doubt about this; and we are aware in general terms of the delays affecting that development. No evidence was forthcoming – indeed probably none was possible – about the precise effects this may have on the figures. It seems reasonable to us to assume that during the IP period as a whole (up to 2018) development will in fact take place – though there must be serious doubt about how much will occur before 2013. We say this on the assumption that as the Jersey and global economies recover, so will the underlying demand for modern, high quality well located offices. We have no basis for essaying a figure for this; but at the least we think that the 600/400 may become 400/600 and that in fact the picture in the earlier years may see fewer dwellings coming forward. This may account for much of the "over-provision" of 550 in the 2009-13 period.
- 8.25 The fourth concerns development within the town of St Helier, where it is anticipated that 1500 dwellings will be provided, divided equally with 750 in each IP period (of these 100 in the first period and 200 in the second would be Category A). We received many representations about this, and we have touched on it previously in this report where we discussed St Helier itself. See in particular our comments on Policy SP1 in paras 2.11 onwards of this report, and also our comments in Chapter 6. It is not necessary to repeat those arguments.

- 8.26 However, notwithstanding our support for the overall strategy to concentrate development in and around St Helier, we must take account of those representations which questioned whether St Helier could accommodate this level of development, at least without severe damage. The only specific evidence we received on this was in the Town Capacity Study (July 2008 Doc BT7). This contained a range of different assumptions about density and deliverability, but concluded that between 1300 and 2400 dwellings might be constructed in St Helier, depending on density, and assuming that 66% of identified possibilities materialised. The document discussed the possibility of assuming that up to 100% of sites might become available; but we agree that this would be an unrealistic assumption – even the figure of 66% may be on the optimistic side given the difficulties of land assembly etc. It also discusses making higher assumptions about density but again we feel that the higher capacity values should not be exceeded in making these estimates.
- 8.27 Participants questioned one part of this in particular. It was argued that because the Waterfront development was behind schedule, the consequent development opportunities which might arise from buildings vacated as a result of movement to the waterfront might not materialise. This is a significant part of the provision described in the Town Capacity Study, and there is clearly some force in the argument; but it tends to push capacity back to the second part of the IP period rather than to remove the capacity altogether.
- 8.28 The table, as we have said, assumes 750 in each of the two five year periods; and the capacity study argues a total potential of between 1300 and 2400 over ten years. So there is a considerable margin for error. No participant suggested to us how we might quantify this. But there are reasons to question the provision in the earlier period because of the Waterfront delay. We think that, with the Waterfront itself, it eats further into the “over-provision” of 550 in the first period.
- 8.29 The fifth figure in the table concerns “windfall” sites. The table assumes a total of 1700 of these, split between 850 for 2009-13 and the same for 2014-18 (with 100 in the first period and 200 in the second for Category A). This is based on past trends - see p 240 of the IP. By their very nature, the emergence of such sites is extremely difficult to predict with any degree of certainty; and extremely difficult for participants to question. Though there was a degree of scepticism (see for example Mr Fleet’s submission), participants were more concerned with the problems of housing mix and the problems of providing affordable housing (via H3) on these (generally) smaller sites, rather than with the quantum. We therefore accept this figure.
- 8.30 The sixth figure concerns rural centre (Policy H5) housing. We deal with this issue later in this report; but we conclude here that the figures of 25 (2009-13) and 75 (2014-18), all Category A, are reasonable.
- 8.31 The eighth category concerns the loss of “outworn sites” (-300). This was debated at the EiP, in response to various questions raised by respondents. We were told that no new land would emerge from this exercise; there would be a net loss of 300 units due to refurbishment of Housing Department property, essentially to raise standards. We accept this. We note that there is no certainty that this work would take place during the first IP period; should it be delayed, it would tend to improve the supply position as set out in the table in respect of the 2009-13 period.

8.32 We have omitted the seventh category (the H1 sites in the IP), which receives a section to itself below. Of those considered so far we conclude that the delay in the Waterfront scheme means that a number of potential sites identified for 2009-13 will in fact not materialise until the second period. We have no evidence on which to base a quantification of this – indeed it cannot be quantified. As there is an “over-provision” in that period, this is not the problem it might have been, especially as some of the “lost” 300 may be delayed until period 2; but it does in our view mean that there is little margin for error remaining in the 2009-13 period. For the second period, assuming the Waterfront scheme eventually goes ahead in some form not too different from the current proposals, we conclude that overall demand is likely to be met by available supplies.

### *The H1 Sites*

- 8.33 Policy H1 of the IP identifies seven sites specifically allocated for Category A housing. The background is set out in paras 6.73-6.85 of the IP, and in Appendix B draft housing briefs are set out for each of the sites. (We asked at the EiP whether participants felt that the briefs were adequate and appropriate – assuming the sites went ahead – and we conclude that they are). In total these sites would yield between 197 (at 10 dwellings per acre) and 298 (at 15/acre) dwellings – a yield of 200 is assumed in Table 6.2.
- 8.34 In a proposed modification, the Minister intends to omit three of the sites – Samares Nurseries, Longueville Nurseries, and Cooke’s Rose Farm – from the IP; at the lower density these would respectively provide 100, 10 and 13 dwellings out of the 200 total. The reason for the proposal is the agreement the Minister made that he would not pursue sites which were not supported by the Constables of the relevant Parishes.
- 8.35 The Minister indicated in his closing presentation that he intended to remove the seventh site in H1 – Field 633, St Peter’s, from the IP. This site was rezoned in June 2010 for elderly persons housing and permission was granted for 14 lifelong homes (+ 1 home for a warden). In the IP this site was assumed to accommodate between 10 and 15 Category A dwellings.
- 8.36 The three sites proposed for removal clearly constitute one of the most controversial issues in the IP – perhaps the most controversial. We have considered it very carefully.
- 8.37 We deal as we have said with the question of the need for affordable housing later; but we consider that need to be substantial. Firstly, therefore, we do not accept that removing the provision of more than half of the potential sites, without replacing them, would be acceptable. We could see no dissent from this view.
- 8.38 Second, we therefore asked whether there are alternatives. The result of this was the production of the Draft Housing Policies - Update Note (Doc BT20). This was heavily criticised by participants at the EiP, and we share the concern which was expressed. A table in that paper set out, essentially, two alternatives. The first was to increase the density on the remaining four sites in H1. In one case (Field 633), which we have already mentioned, the figure had already been raised from 10 to 14. In another (Field 1219) there is a proposal of which we are aware to extend the development area of the site (by excluding an

allotment proposal), and this could raise the total – if it were approved – from 20 to 42 on that site. Whether the higher densities on the remaining two sites will be acceptable remains to be seen – the Minister had, rightly in our view, taken a conservative view of their potential in preparing the IP. We are conscious of the need for family housing as part of the provision of Category A sites; while these might well be provided on several of the H1 sites, significant increases in density might make this more difficult.

- 8.39 The other alternative was the development of school sites such as D'Hautree or Le Mont Cantel in St Helier, which we viewed on one of our visits. It is far from clear however whether these or other school sites will be available in the timescale required – or, indeed at all. It is not clear that Education are willing to release them. Several participants questioned their availability. As we note in Chapter 9 (para 9.3) the D'Hautree site is safeguarded for educational purposes under IP Policy SCO1. On the evidence before us we conclude that it would not be wise to rely on these sites.
- 8.40 We note also in this connection that States policy (resolution P117/2009) is that the Department for Property Services is to seek the best market price for States owned property; this would severely restrict the possibility of these sites being used for social or affordable housing. There were those at the EiP who criticised this policy, and detected an inconsistency between the States' approach to its own land and that taken towards land owned by others which was allocated for Category A housing. It is indeed difficult to draw any other conclusion; but since we do not advocate reliance on these sites, and their availability is in question in any event, that is a matter we feel we can leave to others to debate.
- 8.41 The next question is whether there are other sites which were put to us during the EiP which might be as suitable as, or more suitable than, the three proposed omissions. We do, in Volume 2, identify a small number of sites which may have potential. As we have said, these sites have not been the subject of public consultation. And they tend to fall in the same Parishes as at least two of the omitted sites (because they comply with the spatial strategy) and are therefore likely to be subject to similar objections. The details of these sites are set out in Volume 2 but the ones with the most potential, should the need arise, are as follows (using our numbering system from Volume 2). They are broadly in order of suitability, as we assess the situation, and the last two are somewhat less suitable in our opinion than the first four, for the reasons set out in Volume 2.
- C5 Fields 252 and 253 St Clement (Le Quesne Nurseries)
  - S3a Field 530, Princes Tower Road, St Saviour.
  - S5 (part only) Fields 741/742, New York Lane, St Saviour
  - S2 Fields 341/342, Clos de la Pommeraiie, Rue de Deloraine, St Saviour
  - H6 Field 1368, St Helier
  - MN7 Le Mourin Vineries
- 8.42 As we said above, we are reluctant to propose that these sites should be put forward for immediate inclusion in the IP because this would mean delay while consultation and investigation was carried out. But in the event that monitoring

over the IP period as a whole suggests that further sites might be required, these are the directions in which the Minister should look.

- 8.43 However, the remaining question is whether the three sites themselves still offer the best opportunity, and whether we should recommend that they are retained in the IP. We realise that this would be contentious, and would require conviction on our part that it was the right thing to do, taking a holistic approach. We have already indicated in Chapter 2 that we understand the concerns of Constables, particularly in Parishes close to St Helier. We have taken into account their views about the "share" of development they have absorbed – but concluded that is a matter of geography and of strategy and not an unfair imposition. We have noted the problems of traffic (which of course are caused as much by people travelling from outwith the Parishes as from development within them). But we still believe the three sites are worthy of consideration – especially as they had been carefully selected by the Minister's own professional advisors (see paras 6.76/77, which indicate that considerable work had gone into the selection process).
- 8.44 We therefore visited the sites with an open mind, and looked at them carefully. Did they comply with the strategy and were there any factors which militated against their development, given the demands? Were they as good as/better than other sites which we saw.

*Samares Nursery (site C6 in our classification)*

- 8.45 This site scored "Good" (spatial strategy), "High" (suitability), "Good" (landscape sensitivity), and "Good" (Use) under the four criteria set out in the Minister's "Suitability for Housing Assessment" (Doc BT18). These, in the context of all the sites in that document, are very favourable scores. We discussed the site at some length during the EiP, having received a number of forceful objections to its development from States Members representing the area and from local residents. We are aware of a petition against the development too. Constable Norman and Deputy Gorst spoke against the site at the EiP. Among the matters to which they referred were the likely future need for glasshouses; the amount of development which had taken place in the area already; transport issues; ground conditions; and potential social problems.
- 8.46 Mr Stein submitted a lengthy representation, and spoke at the EiP (as did Mr Vibert, the site owner) in favour of the development. Mr Stein inter alia stressed the compatibility of the site with the spatial strategy; the support from TTS; and the ability to accommodate the Eastern Good Companions Club on the site. He felt that any drainage problems could be overcome. Mr Vibert felt that the glasshouses were no longer viable.
- 8.47 In a written submission Mr Martin made some useful points in favour of the sites. "It is vital that islanders and politicians are encouraged to view the IP as a whole and to recognise that there is an overriding need to ensure that affordable housing is available.....suggesting that some Parishes have "suffered too much" ..... misses the point.....the work of the authors in describing the appropriateness of each of the sites is very likely to be ignored.....this site appears particularly suitable.....".
- 8.48 Senator Le Main had also sent us a forceful written response, and he gave an equally forceful expression of his views in favour of the site at the EiP. He

referred to the shortages of affordable housing, and thought that the proposed omission of this site – which was entirely suitable for development – was “ludicrous”. The land was very much needed. He commented on the agreement the Minister had made with the Constables – but as we have said we look at this site and the others simply on their merits.

- 8.49 We conclude, with conviction, that those merits are considerable. The site is well located in relation to the BUA; it has good services (buses, schools etc); little damaging impact on the countryside, and is previously developed land which is falling into dereliction. All these factors taken together – especially its compatibility with the spatial strategy of the IP – suggest to us that this is a good site. We disagree with the Minister’s proposed modification.

*Longueville Nurseries (site S10 in our classification)*

- 8.50 The issues in relation to this site are similar. It also scored “Good”, “High”, “Good”, and “Good” in the Suitability for Housing Assessment. Constable Hanning and Deputy Vallois (among others) had written to us objecting to this development, and the Constable took part in the EiP debate. He argued that the Parish had met its share of development; that this was another example of “creep” – pieces of land being gradually infilled; that there were traffic problems, especially at the nearby junction; and that there was a lot of opposition to the development. Mr Stein and the site owner, Mr Hamon, spoke in favour of the site. It was previously developed land, close to St Helier and ideally located in relation to bus services and community facilities. It had support from TTS. Traffic from housing development would be less than that from the garden centre. If it was not used for housing it might be developed for an alternative retail use (the Minister confirmed that this was lawfully possible). Mr Ransom, the leaseholder, accepted it was a good site for housing, but was concerned about the difficulty of finding an alternative site for his business.
- 8.51 Senator Le Main repeated his concerns about the shortage of sites for affordable housing and felt that this was one of the best brownfield sites available.
- 8.52 Having read all the representations in full and considered the debate at the EiP we conclude that this is a suitable site for housing. It is well located in relation to the IP strategy, with good services and facilities nearby. Though the traffic generation may be less than the garden centre, it will occur at peak times; however there are proposals to improve the junction and we do not see this as an insuperable problem. We disagree with the Minister’s proposed modification.
- 8.53 There are two other points to make. Mr Stein argued that the whole of the site should be allocated for development – not just the southern part. The Minister argued that the more substantial buildings were on the southern part and that as the land was rising development to the rear would be more obtrusive. We returned to the site to consider these points. We agree on balance with the Minister and recommend that, as proposed, development should be limited to the southern part of the site.
- 8.54 Secondly, there was a proposal before us to develop land immediately to the west of the Longueville Nurseries site (number S5 in our classification), and it makes sense to deal with this now. The issues affecting the site – location, traffic, services etc – are virtually identical, except that the land – though not in use for any particular purpose, is not previously developed. It scored “Good”,

"High", "Good" and (because it is not brownfield land) "Poor" in the suitability assessment. The area which was put to us was large, and extended well to the north. We do not accept that the development of the whole of the site would be appropriate; it would be prominent and intrusive. But in principle we see no reason why the southern section of the site (as far north as a line extending westwards from the proposed development on the Longueville Nurseries site itself) should not be acceptable. This line is marked on the ground by a hedgerow. This has not been the subject of consultation; and a traffic assessment needs to be carried out to assess its effects. We do not recommend its immediate inclusion in the IP therefore. But, in the manner foreshadowed at para 8.41 above we recommend that the southern part of site S5 be borne in mind as a possible site for further development should future monitoring indicate an emerging unmet need for additional Category A housing depending on requirements at the time.

*Cooke's Rose Farm (site L3 in our classification)*

- 8.55 The third site which the Minister proposes to omit is Cooke's Rose Farm (glasshouse site, Field 114, Le Passage, Carrefour Selous). In the Suitability for Housing Assessment this site scored "Low", "Good", "Low", and "Good". This shows an immediate difference as against the previous two sites, which had no "low" scores.
- 8.56 Once again we received a number of written representations opposing the development of the site. Constable Mezbourian referred to local opposition and raised the question of limited pedestrian access, the narrow access road, traffic impact, infrequent bus services, poor access to services and facilities including schools and a number of other matters. The nearest Primary School was more than a mile away and the nearest State Secondary School was 2.5 miles. Her view was that the site should remain in agricultural use. Local residents made similar points.
- 8.57 At the EiP Mr Farman on behalf of the owners disagreed with these points, and made a strong case in support of the site. It was logically within the BUA, on the edge of a settlement, and had good links with services. He felt that the relatively small development would not generate a great deal of traffic (probably less than when it was a commercial nursery) and that access to the site could be improved to the general benefit of local people. It would have little landscape impact and was entirely the sort of site which Jersey needed to use to tackle its housing problems. Mr Cooke felt this was a good opportunity to provide housing for the parishioners of St Lawrence; it was a site surrounded by other development, and the access problems could be solved. A footway could be created, at least along the development frontage. Mrs Kerley spoke against the scheme, making many of the points that the Constable had made and arguing that the development would not be compliant with sustainability policies in the IP. The Minister told us that TTS had opposed the site in principle because of its distance from amenities.
- 8.58 We, again, looked carefully at this site. We are aware that there is a current application affecting the site, but we do not take that into account – simply considering its suitability in IP terms. Carrefour Selous is a fairly small settlement with only limited local services. The problems of access to the site were apparent to us, and we saw the narrow streets and pavements and the effects of the one-way system. These may be soluble (this would be a matter

for the development control stage), but cannot be ignored. From our point of view, however, the key factors are the distance of the site from the main BUA in St Helier and the surrounding area; and the relative lack of services locally. The "Low" score is indicative of its lesser compatibility with the overall strategy – it is clearly very different from Samares and Longueville in this respect. We recognise that it is previously developed land but have consistently taken the view that this in itself should not override the IP's strategic aims. We conclude therefore that this is not a site which should be pursued as an H1 site in the IP because it is poorly located in relation to the strategic policies in the IP and because it has relatively poor access to services. The loss of the 13 houses on this site, in terms of policy H1, could we believe be compensated by the increases in density proposed on two of the sites in the Housing Update Note (see para 8.38)

- 8.59 However, Mr Farman made a point, which was repeated by others during the EiP, about the apparent reluctance of the Parish of St Lawrence (in contrast to some of the other rural Parishes) to allocate sites for local need housing. We deal later with, and support, the principle of providing local need housing. But the evidence which was put to us does suggest that St Lawrence may be less proactive than might be expected. We hope that they, like others, will take advantage of the opportunity afforded by Policy H5 in order to provide affordable housing for local people. Cooke's Rose Farm may be one of the sites (no doubt there will be others) which might be considered for this purpose.
- 8.60 Our conclusions on the H1 sites are very clear. We respect the views of the Constables. But in the cases of Samares and Longueville we believe they should not be excluded from the IP. Taking a holistic view of the overall strategy of the IP; the need for affordable housing; and the alternatives which are available, we very firmly believe that those two sites were correctly included and must be retained if the housing aims of the Plan are to be achieved. Given this recommendation it is not necessary to bring forward any of the other sites we have identified in Volume 2 at the present time; as we have said, those are for consideration – should the need arise – during the IP period.

#### *Housing supply – summary*

- 8.61 We conclude as follows on housing supply. Firstly we have considered all the components of supply set out in Table 6.2 of the IP. We consider that in two cases – the amount of development on the waterfront and within St Helier - the figures for the first period of the IP are optimistic. We do not believe that the number proposed will be attained. The evidence does not exist to quantify this exactly. However there is an "over-provision" in the table for that period and we think that will be sufficient to cover the shortfall, especially as the numerical loss from housing refurbishment may not occur until later. We have put forward some possible sites which – subject to consultation and further investigation – might be brought forward should the monitoring process suggest an emerging shortfall.
- 8.62 On the sites in Policy H1 we **recommend** that the Samares Nursery site and the Longueville Nurseries site should be retained in the IP as originally proposed. We have also indicated support for the possible future development of part of the land to the west of the Longueville site, subject to further investigation, should the need arise. We further **recommend** that the Cooke's Rose site should be omitted from the IP as the Minister intends in his proposed

modifications. We have suggested that the latter site might be one possible candidate for local needs housing under Policy H5.

### *Policy H1 – other points*

- 8.63 In the joint Housing and Planning Statement (Doc No EPD/10), which we requested in advance of the EiP and which has proved very useful in all our deliberations, the Minister recommended (on page 4) "...that Policy H1 be reviewed to potentially include a greater number of social rented accommodation in line with agreed evidence of demand". This had been raised in representations, for example by Senator Le Main, and it was discussed further during the EiP session on affordable housing. We agree with this proposal, and recommend that the penultimate paragraph of the policy be revised to include a more flexible distribution as between Jersey Homebuy, Social Rented and first time buyer housing – the proportions to be determined by the Minister in accordance with SPG. We note the Housing Minister's view that the IP is "woolly" when it comes to the breakdown between the need for various types of affordable housing – social rented, Homebuy, etc. While we accept that, we take the view that it would be a mistake to be too prescriptive about this. The situation will change during the life of the IP and a degree of flexibility seems appropriate. We recommend that SPG is produced, to be published at the time the IP is adopted, to indicate the criteria by which this provision is to be judged.
- 8.64 Policy H1 includes in its last paragraph a reference to the use of compulsory purchase powers, if necessary, to ensure that the sites come forward in a timely fashion. These powers exist but we understand that the States have been reluctant to make use of them. There was some debate about this at the EiP, and the use of these powers was opposed by the RJAHS. Nonetheless, in view of concerns about the length of time which had been taken for some previous sites to come forward, we think it is sensible to have these powers available and to be prepared to use them if (in exceptional circumstances) it should prove necessary. We support the proposal and suggest no change to this paragraph.

### *Policy H2 Other Category A Housing Sites*

- 8.65 Policy H2 simply rolls forward existing unimplemented sites allocated for Category A housing. These sites contribute to the 'supply' consideration and beyond that we have no substantive comments to make about this policy.

## **Affordable Housing**

- 8.66 As we have indicated, the question of affordable housing, and particularly Policy H3, was very controversial.
- 8.67 There is a lot of information on this subject. We draw attention, in no special order, in particular to the Kelvin MacDonald report (Doc BT4), the Christine Whitehead report (Doc OS11), the interim review of land availability (op cit), the Draft Housing Policies Update Note (op cit), and the 2007 Housing Needs Survey (op cit). Paragraphs 6.90-6.116 of the IP deal with the matter.
- 8.68 We draw attention also at the outset to the Minister's proposal to modify the IP to reduce the proportion of affordable housing to be provided to 12.5%, on sites with a capacity of more than eight houses (as compared with 40% on sites with more than six houses in the published draft IP). The 12.5% was to increase

over a period to 20%. This proposed modification appears in full in the Minister's Response to Consultation (27 May, Doc PC3). It arose in response to a very heavy weight of opposition to the original IP proposal from the development industry – see for example representations from the Style Group, AJA, WEB, the Chamber of Commerce (who suggested a proportion of 10% instead of (then) 40%), C le Masurier, Jersey Construction Council, Dandara (who referred to a level of between 5% and 10%), GR Langlois, IoD, CBRE, and Mr Stein/Pioneer. Deputy Le Fondré found it cumbersome. When the revised policy was advertised in the second round of consultation, the Chamber, Style Group, JCC and Pioneer were among those who sent further comments. There were other representations in support of the Minister's approach.

8.69 We approach this complex topic as follows:

- First we consider in general terms the nature and scale of the problem of affordable housing in Jersey
- Second we look at attempts to quantify this need, which are admitted to be imperfect; we consider the implications of this.
- Third we consider in the light of this what options there may be to attempt to deal with this problem.
- Fourth we consider whether Policy H3 is in principle necessary and justifiable, and whether it is workable. This includes consideration of the proposed viability assessment process.
- Fifth we look at whether, if it is workable, the thresholds and proportions now proposed by the Minister in his modified policy are appropriate, and whether its introduction should be phased.
- And finally, we make recommendations.

#### *The nature of the problem*

8.70 It is quite clear to us that there is a major problem of affordable housing in Jersey. There can be no question about this. In coming to this conclusion we rely on a number of sources, and we summarise the position very briefly as follows:

8.71 According to the Interim Review of Residential Land (Doc BT17 p39), in mid 2009 the price of housing in Jersey was about 2½ times the UK average (and just over 1½ times the Greater London average). The average price of a 3-bedroom house recorded in Jersey in mid-2009 (£516,000) was the equivalent of 16.5 times average annual earnings for full-time workers (i.e. £31,000 @ June 2008). This represents a significant change from the situation in June 2006, when the average price of a 3-bedroom house was £364,000 and the equivalent of 13 times average annual earnings of approximately £28,000. The equivalent figures for a 1-bedroom flat in mid-2009 (£225,000) and mid 2006 (£176,000) would represent 7.2 times and 6.3 times average annual earnings.

8.72 Multiples of five times income have been the maximum generally available from mortgage lenders in Jersey with higher multiples generally regarded as too much of a risk and burden. In addition to this, mortgage lenders have typically required deposits of 15-20%. The MacDonald report provides evidence to suggest that no properties are affordable in Jersey at standard income: debt

ratios (i.e. 1:5) for those on average incomes without substantial available capital. It also suggests that if 50% is taken as the maximum proportion of net income that should go on housing, then average income households cannot afford the price of a one-bed flat or any other housing type (see pp 40/41).

- 8.73 The Whitehead report also tackles the question of worsening affordability. It provides evidence of the position for households in different income ranges at the end of 2008 which suggests, inter alia, that only those in the two upper income quartiles (above £40,000 per annum) could hope to buy a house as a family home. (see pp 14/15).
- 8.74 We were very impressed by the evidence, written and oral, from Mr Ed Le Quesne, who was clearly very knowledgeable about the housing problems, specifically, of people in Jersey, and is directly involved in provision through Housing Trusts. He felt that the IP was "feeble", and gave us some further insights into the extent of the problem. He referred to some of the social effects of unaffordability. While he raised some issues which fall outside the scope of the IP – such as rent levels and security of tenure - his evidence about people who were struggling in the face of current house prices cannot be ignored.
- 8.75 Mr Stein, though he opposed Policy H3, nonetheless was conscious of the problem; in his evidence on Samares Nursery, for example, he referred to the Whitehead report and the "startling backdrop of local house prices". Individuals such as Ms Firkins wrote important representations about their difficulty in finding adequate housing. The then Minister, Senator Le Main, wrote in March "It has never been clearer that that the affordability of homes both in the owner occupied and rental markets is one of the most significant issues facing the Island".
- 8.76 In the IP itself (para 6.90) the situation is described as "one of crisis". Mr Mavity told us of recent increases (28-30% over 18 months) in the waiting list (not a good indicator of overall need, as we discuss later, but the trend does seem significant). Several States Members and others in their written evidence and at the EiP expressed their concern. We have no doubt at all that the problem of affordability in Jersey is serious and that it is getting worse.

#### *Key workers*

- 8.77 We were told of an emerging problem in relation to the housing of key workers. It was mentioned for example by Senator Le Main in his March letter: "...as an Island we have a significant reliance on Key Workers migrating to the Island. In our Health service...issues of accommodation and relative affordability are having a significant impact...". The Interim Review of Residential Land Availability (op cit) deals with this on pages 41/42 in a little detail. It concludes that "information on the key worker accommodation issue is limited at present and further work is needed.....the States will also need to consider how it wishes to address the matter.....". We do not feel we can take it further but we note that this is an emerging issue which reinforces the need to tackle the affordable housing problem seriously, and which could in due course prove to be an additional source of need.

#### *Quantifying the need*

- 8.78 It has however proved difficult to quantify the need for affordable housing with any precision. The Minister accepted that this was the case; the IP itself (in para

- 6.91) said "information on the numbers of households who are in need of affordable housing is not clear".
- 8.79 Without going into very great detail on this, we note various approaches which have been taken. The 2007 Housing Needs Survey identified a "latent demand" among the present population for 1000 units, but this may not be equated directly with need. In the MacDonald report it was suggested as a working hypothesis that a mid-point between the numbers on the first time buyers list and the latent demand in the 2007 survey could be used – putting the total at 900 – but MacDonald said that further work was needed. (p 43).
- 8.80 The waiting list is not a reliable indicator of need because entry requirements are very tight (see eg Whitehead pp15/16). Her suggestion that, at that time, the majority of households who are eligible to apply for social housing do so, and are actually accommodated was misinterpreted by one participant as suggesting that there was not a problem; as Whitehead and others said, if the entry rules were relaxed the number of applications would greatly increase.
- 8.81 Mr Mavity explained at the EiP that the waiting list had been growing and he gave figures for the increasing lengths of time people had to wait either for accommodation or for a transfer. These seemed low to one participant, in relation to the situation in London for example (where waiting lists of six years were possible); but this did not seem to us an adequate reason for taking a relaxed view in Jersey. The Minister explained that the figures given by Mr Mavity were recent and had not been taken into account.
- 8.82 There are proposals to link together the States Waiting List with those of other providers and to create a "Housing Gateway" which will provide a comprehensive picture of need. The Minister was anxious that this should happen as soon as possible so that the position could be monitored and policy further developed during the IP period. Clearly, we agree.
- 8.83 The Housing Department submitted an alternative calculation, as an annex to the joint housing and planning statement. This took the Housing Waiting List figure at June 2010 and added half of the number of people who were renting in the private sector and claiming the housing component of income support. This gave a "best estimate" of 1300. (see Doc EDP/10 for details). The Minister (P&E) felt this may be an over-estimate (see the joint statement) for double-counting and other reasons.
- 8.84 There was much debate about this imprecision of the assessment of the need for affordable housing, both in written evidence and at the EiP. Pioneer made a number of particularly strong points about this, orally and in writing, and we have considered them carefully. They argued that it would be premature to continue with the IP in such a state of uncertainty. Much more work needed to be done to justify Policy H3 in particular. They deal with the issue in several places in the various papers which they submitted – eg in section 3.6 of their 17 March submission and in their 31 August 2010 submission, which contained an alternative assessment. Without going into detail, they concluded that the need was modest and could be met via the existing H1 policy for 6-9 years.
- 8.85 We have considered these various assessments, and read in full all the evidence which was submitted, and the MacDonald and Whitehead reports and other background documents. We return to our earlier conclusion that the problem is

serious and getting worse. The question for us is whether the inadequacies and inconsistencies in the figures are such that we should conclude that the IP is premature and that more work should be carried out. Or whether we should continue, and consider whether Policy H3 or an alternative would be workable or acceptable as a further mechanism to tackle the problem over the medium term (alongside H1). We also recall a comment from Senator Le Main: "I live in the real world and real people need real houses". This would be a powerful reason to resist delay.

8.86 We do not think it is premature. We do recognise that the adoption of a Policy such as H3 is a serious step, which needs to be backed up with statistical force. But we think the overall conclusions of the two independent reports are compelling. We think the recent increases in the waiting list are indicative of increasing pressure. We think the gaps between house prices and incomes are stark and that they suggest that there is a serious problem for individuals and households which (as was suggested to us at the EiP) could lead to younger people being forced to leave the Island. The Minister is of course under an obligation to attack this problem, based on the States Strategic Plan. But even if he were not, we think he would be right to continue to pursue alternative means of increasing the supply.

8.87 We do not conclude that the lack of a single clear figure is fatal. We do of course propose (as did MacDonald and Whitehead) that further work is carried out to develop a clearer picture; when we discussed monitoring earlier, we mentioned its importance in relation to affordable housing and it is likely that the picture will change – just as likely for the worse rather than the better. For the moment, though, we believe that time (and it may be considerable time) spent poring over the statistics to arrive at a more satisfactorily precise figure before moving forward would involve a delay which would be unacceptable, given that we are dealing with real people in real need. We are content that there is a need for something in the order of 1000 affordable homes to be provided either through Category A sites or through another mechanism or both, during the IP period; and we also think it right to have an eye to what might happen beyond that period.

8.88 We therefore go on to consider the proposed Policy H3 and other alternatives.

### **Policy H3**

8.89 We deal with this as follows. Firstly we consider whether the whole of the need can be met by extending Policy H1 or whether other mechanisms are needed. Secondly we consider other propositions which were put to us, such as a tax. Thirdly we consider H3 itself, including the viability assessment which was proposed in a draft SPG. Finally we reach a conclusion and a set of recommendations.

#### *Extending H1*

8.90 It would at least in theory be possible to continue to allocate additional pieces of land under Policy H1, and its successors in future reviews of the IP, and this route was favoured by some respondents and participants (such as Pioneer). There seem to us to be two problems attendant upon this. The first is the obvious difficulty of identifying sites which are acceptable. This has proved all but impossible in the current IP, and is certain to become even more

challenging as time goes by, assuming (as seems probable) that opposition to greenfield development remains and as the most suitable and well-located brownfield sites are developed. The second is that it is a "one-club" solution. As MacDonald suggested in his report there is a range of possible solutions to dealing with affordable housing. It makes sense, in the medium term, to develop more than one option. The States have clearly agreed this (see our para 8.2). So at least, therefore, we go on to look at other possibilities.

### *Other approaches*

- 8.91 A number of participants suggested various ways of raising funding to deliver affordable housing. WEB (p3 of their March 29 Submission) and CBRE (point 4 of their 7 December representation) both proposed a form of tax. Pioneer (Para 1.12b of their 29 July statement) suggested a variant, allowing land owners to "benefit from not less than 80% of any uplift in unfettered land value". Support for a tax-based approach was essentially based on its simplicity, predictability and perceived fairness. MacDonald dealt with it at 4.4.19 in his report. It was discussed at the EiP, but there was not a great deal of support for it there, and the Minister felt that it would not deliver sufficient housing. In the context of the UK (a context which we use sparingly because we appreciate the differences with Jersey, but we think it is relevant here) the introduction of a tax has been fraught with difficulty, with several attempts over the decades having failed to deliver. We do not think this should be ruled out in the longer term, and the States should consider it; but it is very much a political issue – as well as a practical one – and we think far too uncertain for reliance to be placed on it at present.
- 8.92 The AJA put forward a different approach at para 0.9 of their statement, suggesting (in summary) a "consolidation zone" widely drawn around the BUA within which the States could negotiate with landowners, at land values above agricultural but below residential. We appreciate the thinking behind this but agree with the Minister that in planning terms it is better to identify and designate the *best* sites, taking into account the various criteria in the IP, rather than leave the location of development to later negotiation.
- 8.93 In summary, we were not convinced that any of the mechanisms put forward by the parties were likely, in the short term, to deliver the necessary affordable housing. We note that there were a number of other routes discussed in the MacDonald report. We think that the Minister should actively continue to consider these alternatives. But we return to the mechanism proposed in H3.

### *Policy H3*

- 8.94 We deal with this first in principle, then in more detail, taking the Minister's proposed amendment as the basis for our report – there was no real argument that we should return to the 40% figure, although Deputy Wimberley was one who regretted the reduction.
- 8.95 It was argued, in principle, that landowners should not be required to forfeit part of the value of their land. Pioneer particularly took this view and argued it strongly. Our assessment, however, is that this black and white position was not generally supported – after all other participants had favoured a tax, or the AJA proposal, or others which in effect meant a reduction in the site value of development land. Deputy Wimberley in his evidence said: "...the reluctance to

tackle this issue in an effective way is appalling. A way has to be found to deal with the monopoly position of landowners which serves the needs of the community at large". And though this is very much a political issue, we are obviously aware that in other jurisdictions it has been accepted that the fortuitous, and often exceptionally large, windfall which certain landowners receive is created by the community and therefore should, quite fairly, at least in part go back to the community. It is not for Inspectors to reach political judgements of this kind, but fortunately from our point of view the States have already done so, via the proposition to which we referred in para 8.2 – "To request the Minister for planning & Environment to bring forward a policy that requires planning applications of over a certain size to provide a percentage of their build for social need whether that be social rented, first time buyer, retirement, sheltered housing or a mix, whichever is most appropriate for the site".

- 8.96 As we have mentioned the revised proposal is that for sites above eight units, 12.5% of affordable housing would be required on site. For sites with 2-8 units, a contribution of 12.5% of development yield would be required to meet the Island's needs for affordable housing. 12.5% would rise to 20% by year 5 (for both above 8 and 2-8 units). This did not appear on the face of the policy and there were comments, with which we agree, that if the policy remained it should do so. (There were also comments on the mechanics of how this should be managed but we think that is a matter outside the IP and do not pursue it – though we do stress the point that any contributions should be directed to affordable housing and not, as Style Group put it, "...disappear into States funds..."). We **recommend** that the intention to increase the proportions should appear on the face of Policy H3.
- 8.97 Perhaps the key objection to the policy, leaving aside this question of principle, was the suggestion that, in general, it would discourage landowners from bringing land forward at all. A picture was painted of landowners which was not altogether complimentary. It was suggested that if unable to realise the full value of their land they would simply hold on to it, presumably indefinitely. This may, of course, be true and we return to it later. This point was made in many places, but for example Pioneer said (in their response to the Update Note) "...housing supply will inevitably reduce as a result of reduced returns (ie incentives) to land owners and developers, with land being developed for less risky alternatives or being retained in its existing use". In their 29 July note they said "unless landowners are able to obtain what they consider to be a reasonable share in any uplift in land value sites are unlikely to come forward". Mr Stein said (30 March submission) "landowners will be considerably less willing to release land. The thresholds need to be reduced". (At that time the 40% etc figures were still envisaged).
- 8.98 In particular it was suggested that it would prevent the development of small sites, or windfall sites, or brownfield sites, or sites within St Helier and other parts of the BUA (which tend to have those characteristics). For example the AJA said "this policy is hostile to the development of St Helier, where it is more expensive to redevelop sites"; "WEB is concerned that as a result of [H3] limited development on brownfield sites will take place"; "...any requirement for affordable housing on sites below 5 units will significantly affect the viability of the site" (JCC); "providing significant levels of affordable housing on brownfield

sites will be difficult given the inherent value of the land" (Housing Dept, in joint statement).

- 8.99 This is a matter which was considered by MacDonald (eg in 4.6.17 he proposed that windfall sites should not be exempt, and demonstrated ways in which they could be included). Nonetheless we accept the view that there is greater difficulty in bringing forward certain sites – especially smaller brownfield sites within the BUA – than others.
- 8.100 Mr Waddington in Appendix 8 of his written evidence recognised this point, and put forward a sliding scale, with different percentages of affordable homes, ranging from 0% to 20%, depending on whether sites were urban or rural and on their size. He argued that the proportions should be smaller in urban areas in order to encourage development in the BUA. We thought this was a useful contribution.
- 8.101 Behind many of these comments, suggestions and objections is a concern about viability. The Minister acknowledges this – and in the IP the matter was considered in paras 6.96-6.104. It was also considered by MacDonald in paras 4.6.18-22. It is common ground that the policy must be operated in such a way as to avoid rendering development unviable, and the IP in 6.97 proposed to introduce a viability assessment model. In August the Minister produced a draft of "Affordable Housing Supplementary Planning Guidance" (Doc SD9). The merits of this are not specifically before us, and will be the subject of continuing consultation and redrafting in consultation with the development industry. Some comments were made about the detail which the Minister should take into account in that consultation process. However, it is clearly relevant and we did invite written comments on it before the EiP.
- 8.102 Every application would have to be accompanied by an assessment, in accordance with the pro forma set out in the Appendix to the draft SPG. If successful, of course, the smooth running of this process would remove the basic objection to the policy; if it were demonstrated that the need for affordable housing set out in the policy rendered the site unviable then the appropriate contribution would be reduced accordingly, as set out in the SPG. However, at this stage the smooth running of the policy must be subject, to say the least, to a degree of uncertainty. And it was argued at the EiP that for smaller sites this would be a considerable burden – at least initially – both for the Minister and the applicant. According to the table in the Housing Update note there are around 43 applications per year with 2 or more units (taking the average over the last five years), and all of these would be subject to the analysis.
- 8.103 The Minister accepts (in his response to Pioneer dated 15 September) that the intention to apply a standard viability assessment to every application is not mentioned on the face of Policy H3 and that it should be. We agree and so **recommend**.
- 8.104 Before coming to a conclusion we deal very briefly with some of the other arguments that were put. A great deal was said about the situation in the UK, and we have considered this. We do have some knowledge of the subject. We think the comparison is a limited one; we are dealing with the Jersey situation here and it is quite obvious that in many ways it is different. Nonetheless, though we of course accept that the delivery of affordable housing is more

difficult in recessionary times, we do not accept that the approach to affordable housing in the UK is "broken"; nor that it is a substantial cause of the current downturn in the UK housing market. We are looking here at the whole of the IP period and beyond; not just a current market conditions.

8.105 We do not accept the argument which some put, and which is also familiar to us, that locating affordable housing on the same site as market housing is damaging, and could reduce house prices. (Eg the AJA said that "...in all other parts of the world it is an accepted economic fact that affordable housing is located in less exclusive locations"). It is an argument which it is hard to make without seeming antipathetic to those who find themselves in need of affordable housing. We do not believe the AJA's view to be true; such mixing is strongly advocated by many for social reasons.

### *Our conclusions on H3*

8.106 We have of course discussed and considered this issue carefully, in view of the degree of contention which exists. We were exhorted to "strike it out" by some; or to modify it by others. We start by taking the view first that the problem is a serious one and second that policy H1 should not be the only approach to deal with it. We note the States existing decision in favour of the principle, and we understand and accept the view that a share of the potentially very large benefit which could accrue to landowners should be used for community benefit.

8.107 We therefore accept that Policy H3 in some form should remain in the IP, though we consider that the Minister and his colleagues should continue to look at other mechanisms as proposed by MacDonald, not excluding (in due course) a tax.

8.108 But H3 needs to be made workable. We have mentioned various suggestions here – from Mr Waddington, from the Chamber and Dandara. Pioneer said that any retained policy should be flexible and able to respond to market conditions – and "founded on the fundamental principle that landowners/developers retain the overwhelming majority of the land value uplift".

8.109 Obviously the reductions in thresholds proposed by the Minister go some way towards making it more acceptable. We think that possibly the most important issue in relation to the policy is that it should be, and should be seen to be, **permanent**. This is essential to discourage landowners from holding on to land – as we were told they might – in the hope of a better deal at some time in the future. We also think that it is sensible – as the Minister already proposes – that the policy should be **phased** incrementally, with increases in prospect so as to provide an incentive to bring forward sites sooner rather than later. Thirdly, we think it sensible to introduce the policy at a relatively modest level, so as to iron out any problems – but to scale it up reasonably quickly. It is important that it works from the start, and necessary to test the working of the viability model.

8.110 We **recommend** that there should be no change to the proportion of 12.5%; with the increase over 5 years to 20%, as now proposed by the Minister. This seems a relatively modest figure, and since it is subject to a viability assessment we see no need to reduce it across the board. Beyond the five year period, consideration should be given to increasing the figure beyond 20%. We have considered the "Waddington" alternative with different urban/rural figures,

but decided that the viability assessment should be the key to identifying any variability between sites.

- 8.111 We **recommend** however that the thresholds should be relaxed in the early stages. This is primarily to ensure the practicality of introducing the viability test, with a fairly modest number of schemes subject to the policy in the first two years – but rising thereafter. We **recommend** that initially schemes of 11 units or more should be subject to the provision of affordable housing on site (this would be 5 or 6 schemes per year based on the average of the last five years); and that schemes of 6-10 units should be subject to the commuted sums as proposed by the Minister (this would be a further six schemes per year on average). We further **recommend** that, subject to monitoring the success of the scheme, these figures should be reduced to ten or more and four or more after no more than two years, and to nine or more and two or more (as currently proposed) after no more than five years.
- 8.112 There is an important question regarding the way in which sites are developed, which the Minister recognises in the draft SPG: "Developers whose schemes are just below the threshold level will have to satisfy the Minister that the proposals do not represent an under occupation of the site, nor that a large site is being brought forward in phases in order to avoid the thresholds at each stage". In our experience this is an important point, and should be stated on the face of the Policy. We so **recommend**.
- 8.113 We also recognise the difficulties for applicants (and the States) in relation to very small sites in dealing with small viability appraisals. We have proposed that the threshold comes down over time so there will be a body of experience. But we also suggest – though it is a matter for the SPG and not the IP – that there might be a standard figure that an applicant for smaller schemes could, as an option, accept in lieu of a full appraisal.
- 8.114 In summary, we have recommended that the policy should remain in the IP; that it should be introduced more gradually than proposed (so as to assess and refine the viability test and other practical aspects of implementation) but that it should clearly be a permanent policy and that the requirements should be scaled up over a relatively short time. We have recommended that the intention to increase the proportions should be on the face of the Policy and also that the intention to apply a viability assessment should be set out in the Policy itself. We have also recommended that the need to deal with sites just below the threshold or sites which appear to be phased to avoid the threshold should be set out in the Policy. The Policy will thereby set out the framework, and the draft SPG already sets out much of the detail of implementation.
- 8.115 We note that the policy will in any event not be introduced immediately. The Minister intends that it will make a contribution to needs in the second part of the IP period and beyond. Its effects would be gradual rather than immediate (Housing Update Note). We do accept that where a site has already been purchased by a developer at a value which did not reflect H3, there will be a viability issue (a point made by the Style Group and others). We **recommend** that the policy is not introduced until the start of 2012 (assuming the IP has been adopted by that time), by which time the Minister's intentions will have been clear for a period of some two years; and that the viability assessment is used to deal with any historic problems of land value for sites acquired earlier.

## Housing Mix – Policy H4

- 8.116 Policy H4 in the IP deals with housing mix, and the preceding five paragraphs give the background. Relatively few written comments were received, and there was a short debate at the EiP. We make one general point, and then one specific point about the policy itself.
- 8.117 In general, a very great deal of information was supplied to the EiP about the need and demand for units of various sizes. The 2007 survey and the Interim Review of Residential Land Availability are particularly relevant. What all this information tended to show was a relatively larger demand for family housing, and a lesser unmet demand for smaller flats.
- 8.118 It was pointed out that reliance on the development of smaller sites in St Helier or on windfall sites might militate against the development of family housing, and this was discussed at the EiP. It seems to us to be true, and it is one of the reasons why we recommended the Samares site, and were doubtful about the increase in density on some of the other H1 sites (see eg para 8.38). There is of course a limit to which strategic policies in the IP can deal with this issue, which will change throughout the lifetime of the IP, and which will depend on a site by site analysis of potential. We therefore note the issue, and turn to Policy H4, which gives the Minister the ability to refuse planning permission if a scheme fails to meet the housing mix he considers to be necessary given the latest assessment of need at the time.
- 8.119 This was heavily criticised by Pioneer in their written evidence and at the EiP; and also by Mr Riva at the EiP. It was felt to be too prescriptive and not founded on an adequate evidence base. It was not appropriate to set requirements for market housing; the developer would respond to the market and deliver the appropriate type of housing (Pioneer statement March 2010 para 3.7.2). The policy should be struck from the IP.
- 8.120 At the EiP the Minister accepted that the policy was “draconian”, and that it would not be right to give him the powers suggested in the IP. However he did feel that there was a need to become involved in housing mix issues in planning applications for market housing and suggested that SPG should be produced to enable him to do this. We have no doubt that consideration of the mix of housing proposed in a planning application, and how this would contribute to housing needs, is a valid material consideration for the Minister (or any other planning authority) to weigh along with other aspects of a scheme. However, it must also be right that this consideration should not be open ended and unpredictable to an applicant. The main parameters and criteria need to be set out in SPG, itself subject to prior consultation, so that a balance is struck between the Minister’s ability to act in what he judges to be the public interest and a developer’s legitimate expectation to respond to what he judges to be the market choices by potential purchasers.
- 8.121 We **recommend** that SPG is produced on housing mix, with some priority. As in several other instances, the guidance needs to be in place no later than adoption of the Plan. We further **recommend** that the first sentence in Policy H4 be extended so that it concludes “... published evidence of need as set out in SPG”. The second sentence should be amended to read “The extent to which a planning application meets the published guidance with respect to housing mix

will be an important material consideration in the grant or otherwise of planning permission."

### **Rural Housing – Policy H5**

- 8.122 Policy H5 of the IP raises the question of housing in rural areas, and proposes a mechanism whereby Parishes can develop "Village Plans" which include proposals for small scale developments of category A housing to meet local needs. (Proposal 14 on p 161 of the IP set out the mechanism for the Village Plans). This was one of the components of Table 6.2, which we discussed earlier, and which assumed that 100 houses would come from this source over the IP period.
- 8.123 There were two issues here. The first was a matter of principle. Was it right to have such a policy? Would it have damaging effects on agricultural land? Should it go further? The second was a matter of process – should village plans be approved by the Minister or should they be the subject of agreement by the States.
- 8.124 There was some opposition to the concept, from the JFU and RJAHS, who were concerned about the loss of agricultural land. The National Trust, Mr Howard and Ms Valerie Harding also had reservations. The JFU said "we are deeply concerned that this proposal will allow developments on an Island wide scale on good agricultural land.....fly in the face of all the other intentions to protect our countryside....".
- 8.125 Constable Yates, in his written statement, put the opposite view. The policy would "help achieve a positive, lasting legacy of sustainable rural communities". There had been a progressive social imbalance in rural areas due to the high cost of housing and young working families from the Parish could not find accommodation. He was supported by Mr Jehan and others.
- 8.126 Given that these are to be very small developments, designed (all agreed) for Category A housing only, and for local Parish needs, we think the concerns of the JFU and the RJAHS do not over-ride the identified needs. We therefore support the principle of the policy.
- 8.127 Mr Stein put a different point of view, arguing that the policy did not go far enough and that the Minister should identify sites through the IP process; but this did not find favour with others. We do not support it either; the essence of the policy is that it is for small scale local needs. As the Minister said, these are not sites designed to meet the strategic needs of the IP – rather they are about supporting the Parishes. It was very important to him that these ideas were "locally-led", with "local engagement and community buy-in".
- 8.128 We agree (as Constable Yates and others also argued) that it is right that the Parishes themselves should develop these proposals, in consultation with local people (and after due consultation with stakeholders). For the Minister to identify sites, in the same way as he has done elsewhere in this and previous IPs, would run counter to the (rightly) limited aims of H5. Mr Jehan felt that the figure of 100 may be too low, but the Minister indicated that it was not a target but simply an indication of scale.
- 8.129 Mr Stein questioned whether sites would in fact come forward. We heard evidence that at least some – probably most – of the rural Parishes were

interested in pursuing it, and some already had action in hand. We did mention earlier that we were told that St Lawrence were less enthusiastic than others; if this is so we would urge them to take a positive view of the opportunity, as others are doing. But in the final analysis, as a purely local issue, it is for the parishioners of St Lawrence and other Parishes to decide through the ballot box.

- 8.130 Constable Yates stressed that the sites should be small and should be "...within or immediately adjacent to the established village facilities", and was very clear that he did not wish to see speculative market schemes succeeding in rural areas. This was overwhelmingly the view of participants at the EiP. Most of the participants at the EiP were concerned that development should not be "out in the countryside" (and we noted the third point in Policy H5 which requires it do be well related to the BUA). This would give some comfort to the JFU. There was discussion of redundant greenhouse sites. It was generally agreed that where these were well located they would provide suitable sites – but, most people thought, definitely not where they were "outside villages".
- 8.131 The Minister's view was that sites should comply with the overall strategy of the IP – close to the BUA, close to facilities etc. We strongly agree with this, and regard it as important that this policy is directed at the identified need and not used to promote other schemes – especially not those which are poorly located. Mr Stein put forward a number of areas where he considered the BUA could be extended, or new BUA created. We deal with some of these specifically in Volume 2. But in general, we thought these proposals to be quite contrary to the spirit and intentions of the IP generally, and of H5 in particular.
- 8.132 We therefore support Policy H5 as it stands, and support particularly the proposition that these sites should be brought forward locally, as the Minister intends.
- 8.133 There remains the question of whether the Village Plans should be approved by the Minister (as SPG) as proposed in Proposal 14, or whether the States should have a role. The National Trust thought they should be approved by the States (see their written statement Doc HRA/NT), essentially as we understand it to ensure that the historic fabric of villages was properly considered and safeguarded. Interestingly Mr Stein agreed, though for different reasons (see his written statement). This reflects his view, with which we do not agree, that the sites should be identified by the Minister in the same way as other sites in the IP, and that he should consequently alter the definition of the Green Zone.
- 8.134 Constable Yates said that the Parishes were well equipped to carry out the work to a proper standard. He pointed out that the Plans would cover not just housing but other matters of concern to the Parishes. There would be full consultation with States bodies and other stakeholders and it was not appropriate to refer village matters to the States.
- 8.135 The Minister took a similar view, and also indicated that he would consult with other Ministers before reaching a decision; and that he could, in the event of a particularly controversial proposal, bring the matter to the States – as he had done on other occasions. We are satisfied with that assurance. We can see no need to complicate the process by bringing Village Plans to the States. The Minister has the powers to approve these Plans, and proposed a sensible amendment to Proposal 14 (in the form of a footnote) to make this clear.

8.136 Apart from this amendment we recommend no change to Policy H5 or to Proposal 14.

### **Remaining Policies H6-H11**

8.137 There were no substantive comments on Policies H6, 7 or 8. Nor are there any matters on which we need to report in respect of H10 or 11. However there were representations concerning Policy **H9**, and we had a short debate on it at the EiP. The policy concerns staff and key agricultural worker accommodation.

8.138 The policy was strongly supported by the JFU. But some concerns were expressed – for example by the National Trust, who had "...yet to be convinced of the need for such dwellings. It is also crucial that the occupation restriction applies to those actively and currently involved in the industry....". Mr Dun was concerned that in this policy and elsewhere favourable treatment was being given to the agricultural industry which was not justified.

8.139 We readily accept that the policy provision is likely to be controversial and may be open to misuse. This is by no means unique to Jersey. Even so, agricultural holding, on the island as elsewhere, can have genuine needs for resident employees in ways that do not arise for most businesses. There are many caveats and conditions in the policy as drafted and we think it is reasonably balanced and obviously it needs to be robustly applied. We recommend no change.

### **The non-qualified sector**

8.140 On several occasions during the EiP the question of the non-qualified sector was raised. Mr Dun in particular was exercised about what he considered to be the unfair and unreasonable treatment to which people in that sector were subject. Mr Le Quesne also raised the issue.

8.141 It is a matter of some surprise to us that there is so little in the IP about this quite large group of people. It is not easy for us to make specific recommendations about it; we have little evidence either of the numbers involved or of the conditions in which they live. The Minister said that he dealt with development applications for accommodation for this group. He indicated that, based on that information, conditions seemed to be improving and the quality of accommodation was getting better.

8.142 We think it right that Mr Dun and Mr Le Quesne raised this issue. We would expect future reviews of the IP to deal with it more directly.

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## CHAPTER 9: SOCIAL, COMMUNITY AND OPEN SPACE

### Introduction

9.1 The IP Chapter on Social, Community and Open Space attracted relatively little comment and our review is correspondingly brief.

### Policy SCO1 Educational Facilities

9.2 Policy SCO1 Educational Facilities was largely uncontentious, insofar as it safeguards educational sites and facilities from alternative uses (other than in exceptional circumstances and only where it can be demonstrated that the premises are surplus to educational requirements and wider community need) and then sets criteria for the location of new facilities. It concludes by identifying three named locations to be safeguarded for future educational needs to address deficiencies:

1. Field 327, St Martin
2. Part of Field 1219, Mont a L'Abbe, St Helier (we note the Minister's intention to amend the policy so that only the western half of this field is safeguarded – proposed amendments June 2010 (Doc PC8)
3. The former D'Hautrée School site

9.3 These locations have not been contested, although Deputy Le Fondré touched on the time that D'Hautrée has been vacant, and we see no reason to comment on them in the context of Policy SCO1 although we touch on Field 327 below. The former D'Hautrée School site has also been suggested by the Minister (Doc BT20) as one of the potential alternative locations for housing to compensate for the allocations that the Minister is minded to delete. In our consideration of housing land availability we conclude (para 8.39) that on the evidence before us it would not be wise to rely on this site for that purpose. Accordingly we see no reason to recommend removing its safeguarding to meet educational needs.

9.4 In response to representations from ESC the Minister is minded to add three additional sites and one more in response to representations by Deputy Rondel (St John's Working Party), with reasoned justification regarding the schools that would be served added to the supporting text. We were told by the Minister that confirmation would be subject to further evidence as he had yet to scrutinise this to any great extent. He had in any event declined to modify the Plan in relation to ESC representations with respect to Rouge Bouillon Fire and Police HQ and Field 327A St Martin. Subject to these points the additional sites are:

4. Part of Field 263A , Grouville
5. Part of Field 782, St Ouen
6. Part of Field 1533, St Helier
7. Part of Field 525, St John

9.5 Field 263A is referred to in Volume 2 of this report, where we recommend against the allocation of any part of the land there for housing. From what we saw on site, and heard at the EiP, there appears a clear case for safeguarding part of the field for educational purposes as sought by ESC to serve Grouville Primary School. We say this on the understanding that the land is intended to

remain open, as play space, as part of a reorganisation of a somewhat cramped layout at the school. We **recommend** accordingly.

- 9.6 We have little evidence either way regarding the need for part of Field 782, but understand that it is sought for Les Landes Primary School to provide additional play space adjoining the existing playing fields. There is recent housing with shallow gardens alongside, but subject to care in the layout of facilities we see no inherent problem. Subject to confirmation of need, we **recommend** that the site be safeguarded.
- 9.7 We have little evidence either way regarding the need for part of Field 1533, but understand that First Tower School currently has no easy direct access to playing fields and that the proposed safeguarding is a response to that. There are houses close alongside one boundary, but subject to care in the layout of the facilities we see no inherent problem. Subject to confirmation of need, we **recommend** that the site be safeguarded.
- 9.8 From what we have read, there appears to be a clear justification with respect to part of Field 525 as play space: currently children at St John's Primary School face walking along a busy road without footways in order to reach outside playing fields some half mile from the school premises, and in practice the youngest age groups are unable to do so. On the understanding that the land would remain open, we **recommend** that it be safeguarded.
- 9.9 As regards the sites which the Minister is not minded to add, we understand that the Fire and Police HQ remains in active use with, so far as we have been made aware, no intention to relinquish the premises. There seems little point in safeguarding this site for educational purposes, but should the situation change the locational criteria in Policy SCO1 would not conflict with a change to educational use of these States premises. Field 327 is safeguarded, as noted above. It relates better to the BUA than does the adjacent Field 327A and is accordingly the more appropriate one to safeguard for educational purposes. Field 327A is in any event designated as Protected Open Space, so on the face of it St Martin's School could make some use of it consistent with the IP. Its protected status safeguards against alternative proposals that might be inconsistent with its proximity to the school. We endorse the Minister's intentions at each of these locations.

### **Policy SCO2 Healthcare Facilities**

- 9.10 We offered a similar "audit" of the provisions of Policy SCO2 with respect to healthcare, and were pleased to learn that Health Department are content with the provisions of the Plan. One proposal emerged separately in our consideration of individual sites, namely Queruee Lodge, St Martin, which was sought as an allocation to provide for an Elderly Mentally Infirm unit. We report on our findings in Volume 2 of this report. This is a difficult matter; everyone at the EiP was supportive of the proposals for the unit; but the site which is currently proposed may not be the best available due to its location some distance from the BUA. Further discussion is needed with the applicant, but there was a view at the EiP that the amendment of Policy SCO2 to enable the provision of such much-needed facilities might be the best way forward. We are sympathetic to this, but at the same time concerned (as was the Minister) that the creation of exceptions in policies – for the best of reasons – can sometimes lead to loopholes appearing through which other less obviously desirable facilities

can proceed. Nonetheless we **recommend** that in this case a third class might be added to Policy SCO2 – to include “In exceptional cases only, and where the facility is supported by the Health and Social Services Department, the provision of other specialist healthcare facilities where it can be demonstrated that no other suitable site can be identified”

### **Policy SCO5: Provision and Enhancement of Open Space**

- 9.11 In somewhat similar fashion to SCO1, Policy SCO5 first outlines locational criteria with respect to any proposals to provide, enlarge or enhance areas of open space. The Minister is minded to add requirements for the provision of open space in association with new development and not to approve proposals that fail to accord with guidance he will progress and adopt in this regard under the Open Space Strategy to be prepared under Proposal 17.
- 9.12 Given the Plan focus on development within the BUA we recognise the importance of this requirement, to safeguard openness associated with individual developments and thereby in their localities. We suggest, however, that the standards which emerge, where these have direct application as development control criteria, should be in adopted SPG. It hardly needs adding that this is the type of SPG that needs to be in place coincident with adoption of the IP if this element of the revised Policy SCO5 is to be of practical value. Subject to this, we **recommend** that the Minister amends the Policy along the lines he intends.
- 9.13 As it stands the Policy then identifies 3 specific locations for new open space, all within one or other of the St Helier Regeneration Zones promoted by Proposal 11. They warrant comment but we accept the Minister's response to points made that the substance of these schemes will emerge in the Regeneration Masterplans, which themselves are to be subject to consultation. We now make no more than brief comment with respect to each.
- 9.14 **The Town Park.** We were advised that this is now a commitment. In Chapter 10 we touch on the resulting loss of car parking. In the context of Policy SCO5 we say only that familiarity may have led to acceptance of the visual impact of what is there now: an expanse of car parking on two cleared sites unrelieved by soft or hard landscaping. Coming upon it afresh we found the scene dispiriting and wholly at odds with aims to engender a better sense of place, pride and identity to this part of St Helier. We commend the resolve by those concerned to have grasped this nettle and provide what has the potential to be an attractive Town Park.
- 9.15 **Mont de la Ville linear park.** Mrs Steedman in particular criticised what she saw as the limited scope of the Policy and the Proposals Map, widening her remarks to include proposals for Fort Regent and its accessibility. The issues she raised really amounted to a continuation of the debate regarding an alleged lack of overall vision behind the policies for St Helier. We commented on that in our Chapter 6 and will not go over the points again here though we think them relevant. Subject to that we recognise the force in the Minister's response that proposals for the Mont de Ville area, including the park and Fort Regent, must emerge as part of the Masterplan for this Regeneration Zone. Work on that is we understand underway, with ESC considering uses at the Fort; we can add little to that but trust that Mrs Steedman and others will have the opportunity to contribute to the outcome.

- 9.16 **La Collette 2: Coastal Park** Again, more detail will emerge as part of the Regeneration Zone for this locality. However, it is clear that the underlying structure set out on the Proposals Map and implied in the term "Coastal Park" require revision in the light of the Buncefield Oil Storage calamity and need for more rigorous Safety Zones for Hazardous Installations. The Minister's position was partly explained during this debate and further clarified (following a request by us) in his closing statement to the EiP. Taken together, he recognises that the zoning generally in this locality requires revision from that shown on the Proposals Map to that submitted to us by TTS (Capita Symonds drawing No CS043041\_SK\_006). In the context of SCO5, this will require revising (though not reducing) the extent of the Coastal Park and acceptance – albeit reluctantly – that this for the present needs to be of visual benefit only, as Protected Open Space, without public access.
- 9.17 Mr Dubras understandably expressed disappointment, since he had long understood that reclamation at La Collette would be for more than "bad neighbour" facilities, but provide public access and connectivity to the public footpath network. Also the presence nearby of people in small boats, including launching and recovery, appears to have been overlooked.
- 9.18 This is largely a matter of revised risk analysis by the Hazard Review Group under the auspices of TTS in the light of new guidelines post Buncefield. In the longer term we are aware of aspirations to relocate the oil storage tanks, perhaps even off-shore, but for now their presence plainly needs to determine the safety zones and the land uses that might be permitted within those zones. If that limits the proposed park to a landscaped buffer then this is the price of public safety. As a generality, a public park may attract significant numbers of people over extended periods, creating higher level of exposure to risk than the smaller numbers and more intermittent exposure from boating. However, whether restrictions on boating might be justified is more an operational than land use consideration and not something on which we are qualified to adjudicate.
- 9.19 **Recommendation:** that the Minister amends the Proposals Map to reflect the layout shown on Capita Symonds drawing No CS043041\_SK\_006, revising the extent of the open space and designating it as Protected Open Space under Policy SCO4 rather than as previously intended as a Coastal Park.
- 9.20 The Minister has indicated an intention to amend Table 7.1, to include commercial sports facilities and golf courses within the ambit of Policy SCO4. This change would amend the typographies identified in the Outdoor Open Space, Sport and Recreation Study (JPC study – doc BT3), which in other regards informs this part of the IP. However, we think that the change is a good one bearing in mind the contribution that such sites make to the range of open space on the island. We so **recommend** along with the necessary consequential changes to the figures on Table 7.2 and to the Proposals Map.
- 9.21 There were no other comments received in relation to the remaining policies in this section of the Plan on which we wish to make recommendations. We think the comment from Mr Harris regarding the former Odeon Cinema is a matter for the North of Town Masterplan. Other matters are, we consider, either already addressed by the IP, or fall outside its scope.

## CHAPTER 10: TRAVEL AND TRANSPORT

### Introduction

- 10.1 Responsibility for transport is divided between TTS (land transport) and EDD (airport and harbours) and subject to their respective policies. However, the IP has important roles and relationships with each and we start with land transport before turning briefly to the harbour and airport.
- 10.2 IP paragraph 8.15 states that "The Island Plan has to respond and seek to support the transport objectives set out by the Island's strategic highway authority. The Transport and Technical Services Department has set general principles, objectives and proposals in the Draft Integrated Travel and Transport Plan: action plan 2007-2011 (2008)." And indeed, objectives in the 2008 action plan are carried forward in strategic policy SP6 Reducing dependence on the Car and are a major determinant of the IP Travel and Transport Chapter. The 2008 action plan was not, in the event, adopted by the States but superseded by Jersey's Sustainable Transport Policy (2 July 2010) (JSTP Doc BT13), that is to say after the closing date for representations on the IP and part way through our overall examination process. The JSTP was due to go before the States this November (2010). Its merits are outside the scope of our examination of the IP but the relationship between these two emerging policy documents warrants consideration.
- 10.3 The JSTP understandably includes a great deal of what might be described as "operational" matters (for example public education, contracts for bus services, licensing of taxis) as well as issues falling within the ambit of land use and development. The IP while anchored on land use and development topics also, again understandably, addresses behavioural or operational topics. So we posed questions. Which should lead the other? Where they overlap (or duplicate) are they consistent? Where they address different matters, are they complementary? Finally, has progression from the 2008 action plan to the 2010 JSTP rendered any aspect of the IP out of date?
- 10.4 We were reassured to find that neither is leading the other but rather each is founded on the States Strategic Plan 2009-2014. Subject to some detailed matters, addressed below (mainly arising from changes between the 2008 and 2010 transport documents) we were also reassured by the degree to which the IP and JSTP are consistent and complementary
- 10.5 We were, however, dismayed, by the extent of scepticism bordering on antagonism towards some fundamental aspects of the JSTP, and therefore to relevant parts of the IP, sometimes from surprising sources and including a number of States Members.
- 10.6 As stated in the Overview Chapter 1 to this report, we have taken the Strategic Plan as a given, a confirmed input both to the IP and also to the JSTP where this impinges on the IP. Sixteen priorities are identified in the Strategic Plan, expressly not ranked in order of importance but as each demanding action. One is "To protect and enhance the natural and built

environment". Within that stated priority the Strategic Plan includes commitments to:

- implement a range of measures to reduce ... pollution and traffic ...;
- develop a sustainable internal transport infrastructure;
- persuade people out of their cars by providing practical alternatives such as improved bus services, cycle tracks and footpaths.

10.7 Key indicators include:

- Level of CO<sub>2</sub> emissions
- Traffic congestion
- Air quality ... compliance with international standards.

10.8 The approach is demand management, that is to say curbing and reversing the growth in road traffic to fit the environment better, and no longer predict and provide, that is to say aiming to increase road capacity to meet forecast traffic growth. We have no hesitation in endorsing the current approach; not only does it accord with stated aims and requirements of the Strategic Plan but it reflects the approach now almost universally taken by planning and transport authorities in developed societies.

10.9 It will, however, be controversial – as we found – particularly to “implement a range of measures to reduce ... traffic”, not least on an Island with high and seemingly still growing levels of car ownership. It would be presumptuous, and probably out of time anyway, for us to comment directly on the process of consideration of the JSTP by the States. However, there would be significant problems with the Travel and Transport Chapter of the IP were States Members to water down the approach which they have already endorsed in the Strategic Plan. Objective TT1, underpinning this part of the Plan is closely founded on the Strategic Plan and therefore consistent with the JSTP.

10.10 There should be no pick and mix here: the seemingly congenial aim of persuading people out of their cars by providing practical alternatives has to be taken together with the more controversial aim of implementing a range of measures to reduce traffic. Without the latter, the former is likely to fail as peak hour bus services continue to be hampered by congestion and the impetus for improvements to public transport, better cycle tracks and footpaths may stall.

10.11 Self evidently, all references in Chapter 8 of the Plan to the now superseded travel and transport policy documents need amending to refer to Jersey's Sustainable Transport Policy 2010, assuming that this is indeed adopted by the States. On this assumption, the targets for traffic reduction (para 8.15 et seq) require updating in detail to align with those now in the JSTP. The overall aim remains at least a 15% reduction in peak hour flows to and from St Helier, but now to be achieved by 2015 rather than 2012. Because this aim is against an otherwise rising trend the actual reductions required are now higher than previously. The longer the measures are delayed the harder they become to achieve. Without action, peak hour traffic is forecast to grow by between 5% and 10% over the Plan period, roughly another 450 to 900 vehicles entering and leaving St Helier.

- 10.12 Once road capacity has been reached, as it plainly has on the main approaches to the town, even moderate further growth will lead to disproportionate additional congestion. One outcome, suggested to us as a partial solution, is that people would increasingly stagger their journeys. We see this as an undesirable indicator of failure – the phenomenon of “peak spreading” means that congestion and pollution last longer each day.
- 10.13 The 15% figure arises simply because this is the recorded difference in peak traffic flow between school terms and holidays, and traffic conditions currently during school holiday times are considered to be acceptable. Contrary to some representations made to us, it does not logically follow that the reduction could or should be achieved solely by somehow eliminating the “school run” and commuting by school staff. Each peak hour car trip contributes to peak hour congestion; the fact that one component (school related) periodically ceases does not make those journeys disproportionately responsible for congestion during term time. A car borne commuter returning from a break is unlikely to view their own resumed peak hour journey as contributing more to congestion than those of other drivers.
- 10.14 The key components of the reduction target, now in the JSTP, are to increase bus users by at least 100%, cyclists also by at least 100% and walking by at least 20%. Within those figures school bus use is to increase by at least 20% and children cycling to school by at least 100%. It should be stressed that such is current reliance on car borne journeys that each of these seemingly dramatic changes yields no more than a small though worthwhile percentage reduction in road traffic. Not all of this is sought by means that are within the direct scope of the IP, but the IP does have an important potential contribution and we consider it in this light.

### **Spatial Strategy**

- 10.15 First and foremost spatial policies in the IP must avoid adding to the need for road travel. Policies SP1 and SP3 and their supporting text steer most new development to the town of St Helier as defined on the Proposals Map (including contiguous built up areas in adjacent parishes). Subject to that, and as previously touched on, Policy SP6 requires that all new development proposals, such as housing, employment, health, education or leisure, must demonstrate that they will reduce dependence on the private car. We consider the various IP policy tools for achieving this shortly.
- 10.16 The Plan introduces a hierarchy of road users, in the Strategy chapter at paragraph 2.67 in support of Policy SP6, where it provides a steer to the ranking of provisions required of developers; and again in the Travel and Transport chapter, at paragraph 8.22, where it provides a broader steer to land-use and transport related decisions and in implementing transportation measures. The hierarchy is as follows and plainly intended as being in decreasing order of priority.
1. Pedestrians
  2. People with mobility problems
  3. Cyclists
  4. Public transport (including bus, coach and taxi)
  5. Powered two wheelers
  6. Commercial/business users (includes deliveries and HGVs)

7. Car borne shoppers and visitors
8. Car borne commuters.

- 10.17 The Chamber of Commerce described this as “an emotive linear priority hierarchy which in essence says that people are more important than cars” before going on to describe the retail economy as fundamental to community need. Without in any way decrying the importance of the retail economy, we would be concerned by an IP that appeared to elevate cars above people in importance. That said we do have some concerns regarding the hierarchy. It seems to us that it confuses purposes of travel with modes of travel. It is not self evident, for example, why a journey by motorcycle should necessarily be treated as coming above that of a business delivery. The JSTP incorporates a travel hierarchy as follows.
1. Walking
  2. Cycling
  3. Travelling by bus
  4. Car sharing
  5. Single occupancy cars
- 10.18 As a *travel* hierarchy (ie excluding the movement of goods) this seems more coherent and in line with the strategic aims of the JSTP and IP, provided that people with mobility disabilities are recognised as having special needs whatever their mode of travel. Taxis are a form of public transport which, if readily available at reasonable cost, can encourage people to forego relying on a private car for most trips in the knowledge that there is an alternative when needed for, say, heavy baggage or during inclement weather. We suggest that travelling by taxi should be inserted between car sharing and bus travel, and **recommend** that the resulting travel hierarchy be substituted for the road users hierarchy at IP para 8.22, and used as an input to, for example, the preparation of area masterplans or other SPG.
- 10.19 We cannot see any sensible way of ranking the transportation of goods relative to modes of travel by people. The movement of people and goods are each essential and each has to be accommodated in land use and operational policies. Their relative priority will vary in different circumstances from, for example, proposals affecting a bus station to those affecting a freight terminal.
- 10.20 We **recommend** that once proposals have aimed to minimise the need for travel, the hierarchy at 10.17 above, incorporating taxi travel as the 4<sup>th</sup> level priority, should substitute for that in the IP at para 8.22, and provide the strategic steer in the drafting of masterplans or other SPG as these affect personal travel. We **recommend** that the equivalent input with respect to the transport of goods should be to seek an optimum between efficiency (again including reducing the need) balanced with environmental safeguards. We do not consider that it is either practicable or desirable to try to combine the two areas of travel and transport into a single overarching hierarchy.
- 10.21 The AJA argued that the spatial strategy risks an unbalanced outcome in the western parishes, where significant existing residences, with at least some more proposed, will not be matched by opportunities for local employment and services. In short, residents on this part of the Island would be likely to

continue to travel to and from St Helier, through congestion hot spots such as Beaumont/La Route de la Haule.

- 10.22 We have touched on this already, and on balance we do not recommend any change to the spatial strategy in order to facilitate new major employment or other developments in the western Parishes. Only limited new housing is envisaged, insufficient to warrant, of itself, significant additional employment or other non residential developments. Experience elsewhere, in the UK, is that substantial new development associated with a smaller built up locality, such as exists in the western parishes, is as likely to attract commuters and customers to that locality as it is to serve local residents. Put simply, the outcome could attract more traffic to and from St Brelade or St Peter rather than reduce flows to and from St Helier. IP policies do not militate against smaller scale non-residential developments within the defined BUA within the western Parishes and envisage one potentially significant new employment opportunity through Proposal 12 for a regeneration zone at the airport. We consider that the Plan strikes the right balance in these regards. (We consider the boundary of the regeneration zone at paragraph 6.16).
- 10.23 Further facets in future travel patterns, highlighted by Mr Dubras, include increased opportunities for on-line home working, shopping and leisure. The first of these offers evident benefits, the latter two may be more mixed in their effects, potentially undermining established retail outlets and leading to a more isolated and sedentary society. Be this as it may, there is little evidence that the internet is as yet significantly affecting travel patterns and neither is it readily apparent how the IP could or should seek to influence people's personal behaviour in their homes.
- 10.24 Mr Dubras also rightly drew attention to the Strategic Plan aim, touched on in IP paragraph 8.2, to achieve a shift in fuels as well as travel modes. Ms Sarah Le Claire had made detailed representations to similar ends with respect to public as well as private transport. The aim here is to encourage and facilitate a switch towards electric powered vehicles. Whether an electric powered vehicle truly reduces CO<sub>2</sub> emissions depends on the generating source of the electricity used for recharging. But the potential exists and certainly at a local level electric vehicles can lessen on-street air pollution. Jersey's relatively small size and generally modest gradients commend themselves to electric traction. There was unanimous support amongst our participants and an undertaking of active support by Jersey Electric plc.
- 10.25 There are no express policies in the IP to take this forward. We recognise that much lies outwith the Plan: for example, financial inducements through differential parking and licensing charges for private vehicles, and TTS policy decisions regarding the introduction of electric powered buses. The key necessity of charging points at car parks and elsewhere should be addressed through the scope of permitted development rights rather than a policy framework requiring numerous individual planning applications. Even so, we think that the Plan should offer more explicit support to introduce the required rights and also to investigate whether standards should be adjusted with respect to such matters as access ramp gradients to reflect the power characteristics of electric traction. We **recommend** a review of building standards and permitted development rights aimed at facilitating increased take up of electric powered vehicles.

## Policies and Proposals - Land Travel

- 10.26 Policy **TT1**, protecting the Island's footpath and cycle network, is full square with the aims of the JSTP; we recommend no change.
- 10.27 Policy **TT2**, aimed at footpath provision and enhancement, as opportunity arises in conjunction with development proposals, is similarly in tune with the overall strategy. This policy would not of itself affect road traffic but rather give weight in development control negotiations regarding roadside developments facilitating roadside footpath (perhaps more precisely footway) enhancements within St Helier. Having looked at the intended locations, again we recommend no change to the policy.
- 10.28 **Proposal 18**, identifying potential locations for pedestrian priority within St Helier and the explanatory text leading to it proved controversial. Proposal 18 differs from Policy TT2 because in this case the measures could be expected to be within the existing highway boundaries, more comprehensive in nature and not dependent on adjacent development proposals.
- 10.29 Paragraph 8.41 states that "Complete pedestrianisation of [St Helier] town streets is not envisaged during the plan period, but continued investment in the public realm and extension of pedestrian priority is considered necessary to support the viability and vitality of the town centre. The Strategy [EDAW Report] for the future development and regeneration of St Helier proposed a number of strategic enhancements to the pedestrian realm involving ...." It goes on to identify the EDAW locations and proposals. This is tempered somewhat in the following paragraph, which refers to further detailed modelling and assessment of resulting traffic impacts leading at most of the locations to development of pedestrian priority where "access would need to be maintained, in some form, for cyclists, taxis, buses and trade deliveries." Further work at the remaining two locations is envisaged to reclaim some road space (evidently intended to mean carriageway space) but implicitly without restricting vehicular movements. There follows an assessment summarised in Proposal 18 of where pedestrian priority measures should be supported.
- 10.30 All this was seen by several participants, in particular the Chamber of Commerce, as a Trojan Horse for an unstated long term aim for widespread full pedestrianisation of the town centre. This in turn was seen as a threat to businesses, both with respect to servicing and customer accessibility. Before considering this it is necessary to review the equivalent section 5.4 in the JSTP. This in effect rejects most of the EDAW proposals (while existing traffic levels prevail) where these would displace vehicular traffic onto other local roads. The impacts are generally judged unacceptable. The JSTP does, however, support the principle of "shared space" – rebalancing the streets between vehicles and pedestrians as already applied, for example, in Broad Street. The only EDAW recommended location where the JSTP goes further is Halkett Place (south of Waterloo Street) where the benefits of pedestrianisation are seen as most likely to outweigh the disadvantages.
- 10.31 The IP envisages one full closure, the southern end of Oxford Road where it bisects the current two surface car parks at Gas Works Place that are to become the Town Park. Retaining a road across the park is hardly desirable and since there are no businesses or residents directly affected the closure makes eminent sense.

- 10.32 Of the other locations, in the main it is clear that something more akin to the Street Life Programme already implemented at such locations as York Street is what is emerging. Subject, of course, to detailed consideration, there is no reason why such schemes need affect access to businesses but every expectation that improved ambience would attract shoppers and improve trading conditions. Far from being resisted, it seems to us that business interests should be clamouring for these measures and urging more.
- 10.33 Nor is there any logical inconsistency in the inclusion of lengths of road (such as part of Dumaresq Street) that form part of the Primary Route Network; Broad Street, Charing Cross and York Street are similarly part of the Network but have been remodelled to reflect their role as town centre shopping locations. We do understand the concerns by business interests faced with concepts but no details of what is envisaged. Mr Syvret, for example, raised cogent points regarding access and trading conditions at Romerils, which fronts one of the identified streets and is reached via another. Plainly any detailed scheme would need to be drawn up in close consultation with him and others most directly affected. However, at present Romerils stands just outside the town centre core, not just as defined on the Proposals Map but as we experienced things on the ground. A well thought out and implemented scheme could surely help bind this location better to the core of the town with its higher footfalls and livelier trading conditions.
- 10.34 We found the fierce opposition to pedestrianisation at Halkett Place quite extraordinary. With the Central Market on one side and a major multiple store on the other, Halkett Place has the potential to become one of St Helier's prime shopping locations. As it stands it is a frequently traffic clogged side street with little enticement to attract visitors. It is not difficult to envisage how this location could be transformed for the better, making it a much more attractive, frequented and lively part of St Helier, integrating the market and other shops with the town centre core.
- 10.35 As a retailing location St Helier has much going for it: the high quality shops, compact intimate scale of the town centre, attractive architecture and low incidences of voids and dereliction (compared with many UK town centres). On the whole too the well maintained streets and spaces feature pleasing materials and finishes, not least distinctive local granite. However, any visitor must be immediately struck by the volume and penetration of road traffic even within the town core, now at odds with towns of similar size and function elsewhere. There is a striking contrast in footfall and evident vibrancy between different shopping streets, and this closely reflects the traffic conditions. The fully pedestrianised area centred on Queen Street to King Street is plainly the most successful and attractive, followed by the "street life" locations such as Broad Street/Charing Cross/York Street and then finally and least attractive are those roads with conventional and generally narrow footways alongside busily trafficked thoroughfares.
- 10.36 Far from future pedestrianisation being a hidden threat, the lack of further full pedestrianisation since the 1970s should be a matter for regret, and the limited further measures envisaged in the IP and JSTP as a disappointment. However, subject of course to detailed work, consultations and regard for servicing requirements, we endorse Proposal 18 so far as it goes.

- 10.37 Policy **TT3** Cycle Routes attracted little adverse comment but some scepticism about achieving a worthwhile Eastern Route by means of developments within the corridor being required to contribute physical sections or financial contributions. We do not underestimate the difficulties and plainly nothing as effective as the Western Route is likely to emerge, but doing nothing achieves nothing while a fully planned and constructed route would be costly, doubtless highly controversial and almost certainly require compulsory purchase orders. That is well outside our remit and we endorse the approach in Policy TT3.
- 10.38 Policy **TT4** Cycle Parking and **TT5** Road Safety attracted little comment, not because they are unimportant but self evidently worthwhile.
- 10.39 Policy **TT6** Park and Ride, attracted some comment. We note and agree with conclusions in the JSTP that "It is not considered that a bespoke park and ride scheme is appropriate" in Jersey. Such schemes in the UK serve conurbations with larger populations than that of the whole Island let alone just main centres such as St Helier; they are also demanding of land within rural hinterlands and often highly controversial as a result. The appropriate circumstances simply do not exist on Jersey. Qualified support for Park and Ride facilities is limited to proposals within the BUA (ie as defined on the Proposals Map), implicitly small scale "hubs". We heard, and the JSTP also notes, of such informal usage now. Some commuters living in remoter locations drive to a bus stop with convenient parking nearby before using the bus for the main length of their journey. We see no reason why such informal arrangements might not be facilitated by small scale development in suitable locations though any resulting reduction in peak traffic in or out of St Helier is likely to be modest.
- 10.40 Policy **TT7** Better Public Transport gives support to a range of supporting measures such as waiting facilities, developer contribution where appropriate and in ensuring full account of the needs of public transport in highway schemes. We look elsewhere at use of the word "appropriate" which came in for some general criticism and also at issues of developer contributions, which similarly were subject to criticism. However we do not recommend any changes on those points and we endorse the policy.
- 10.41 Policy **TT8** Access to Public Transport includes a requirement that "All new residential development of five units of accommodation or more, and the development of employment-related land uses, should be within 400 metres of a bus service." It was put to us by the AJA that this is the wrong way round, that bus services should respond to development locations rather than constrain them. Although superficially attractive this suggestion does not stand up to consideration. There are significant contractual and financial implications in rerouting bus services, which is most unlikely to be justified for an individual development proposal other than perhaps the very largest when its associated travel plan may be expected to include public transport provision under the terms of Policy TT9.
- 10.42 We do, however, share the reservations raised in Mr de Gruchy's representations regarding thresholds. Five units of accommodation is too few, and could inhibit otherwise acceptable modest sized developments, perhaps needed to meet local needs in a relatively isolated rural village. Also a blanket restriction on employment developments could be particularly hard for a small family business, close to home serving its locality. Indeed it might

be that the very absence of transport links makes the enterprise viable and desirable. We are therefore pleased to see that the Minister proposes to amend the Plan in response to Mr de Gruchy to increase the number of residential units to 10 and include lower thresholds of 250sqm (for office use) and 500sqm (for retail use). Our only remaining reservation is to suggest that the 250sqm should not be limited to office use but any employment use, such as a small workshop for example. We **recommend** that the Minister amends the Plan as he has indicated but substituting "for employment use" in place of "for office use". (As a small aside, if Map 8.2 is retained in the adopted Plan it will require a key, and we so **recommend**).

- 10.43 Policy **TT9** Travel Plans confirms the now well established requirement for larger development proposals to include travel plans to reduce the resulting amount and impact of additional road traffic. We do, however, **recommend** against including the number of such plans implemented within Indicators TT1, Travel and Transport Indicators. The other 3 indicators (peak traffic by mode, road injuries and road transport pollution) are all measurable physical effects with direct and readily understandable implications. In contrast the number of travel plans implemented would simply record one of several mechanisms influencing the other indicators. Of itself the number of plans says nothing about their individual or cumulative effectiveness.
- 10.44 We do not support the suggestion by Deputy Wimberley that the key indicators should be enlarged to include such items as levels of stress, anxiety (by parents and others), severance and visual intrusion. As well as being difficult to measure on a consistent basis, it would be well nigh impossible to isolate causal relationships with traffic conditions. But there may be merit, not least in the cost of monitoring, in aligning the IP Key Indicators as a sub set of those in the Strategic Plan.
- 10.45 Policy **TT10** Off-Street Car Parking Provision in St Helier was very controversial, regarding the amount, its location, quality, charges and time limits. Not all of these are within the direct ambit of the IP although they are all material to it. The Policy and its supporting text need to be read in conjunction with the fuller analysis in Section 4 of the JSTP.
- 10.46 Before addressing individual locations, and as part of the package to reduce peak hour traffic by 15%, Policy TT10 caps the overall total so that "new additional off-street public parking spaces will not be permitted in the Town of St Helier unless the total level of public off-street car provision falls below 4,000 spaces (2009 levels), or where the provision of public off-street spaces is provided in lieu of the loss of private off-street parking provision." As confirmed in the JSTP, a 15% reduction in traffic entering St Helier in the morning peak equates to roughly 1,300 fewer vehicles requiring somewhere to park. A cap on the total number of public off-street parking spaces is both consistent with and can contribute towards meeting that reduction because, as Mr St George stressed, within the capped total the intention is to have more short term (up to 3 hours) spaces and fewer long term (all day).
- 10.47 We recognise that commuters are themselves also customers for town centre businesses but there is nothing in the IP (in fact quite the reverse) that militates against employment opportunities in the town, solely a modest aim to rebalance peak hour travel modes. This being so, freeing up additional short term parking provision, making more available for people whose prime

purpose is visiting the town centre for shopping or leisure, makes good sense. Again we are perplexed by the range of local business opposition.

- 10.48 Representations for the Chamber of Commerce misinterpret guidance in the UK PPG13 Transport, as implying a national maximum parking standard of 71 spaces per 1,000m<sup>2</sup> of foot retail floorspace. In fact the standard expressly applies solely to individual developments of over 1,000m<sup>2</sup>, at which size the maximum standard is 1 space per 14m<sup>2</sup>. It was introduced as an aspect of maximum parking standards to prevent individual planning authorities competing to attract major food retailers by offering to permit more generous parking provision than others though they are able to require less. The standard was never intended to be grossed up to 71 per 1,000m<sup>2</sup> and then applied to the aggregated floorspace of numerous individual town centre outlets.
- 10.49 Policy TT10 addresses individual locations, recognising that the 520 surface spaces at The Esplanade will be replaced (but not increased) by provision within the Esplanade Quarter redevelopment. Since the one is not intended without the other, the broad effect on provision will be neutral. The loss of spaces at Gas Place (to create the Town Park) is we are advised now a settled decision. Potential replacement provision at Ann Court and the future of Minden Place are to be considered as aspects of the North St Helier Masterplan. We do not wish to pre-empt that consideration beyond making the obvious point that any replacement for Gas Place inherently cannot be at that same location, that Minden Place is acknowledged to be inefficiently laid out and that sensible compromises may need to be struck with regard to future provision in the locality. Ann Court is no great distance away.
- 10.50 The final elements of Policy TT10 are favourable to the redevelopment of public surface level off-street car parks for other uses and oppose the use of sites cleared for redevelopment or vacated as temporary surface car parks. Both elements were controversial as was Policy **TT11**. This opposes the development of new private non-residential car parks with public access in St Helier and conversely generally encourages the reuse of existing private car parks that are available to the public and not related to any particular building.
- 10.51 Both policies are consistent with the aim of curbing peak hour traffic to and from the town and encouraging the use of more sustainable modes of transport. Surface parking represents an inefficient use of scarce, valuable urban land; redevelopment for commercial, residential, leisure or other appropriate town uses is likely to lead to a net economic, environmental and social gain. And although tempting, the expedient of using vacant land as temporary car parks risks lessening the incentive for investment in permanent and more worthwhile development.
- 10.52 We understand that capping and perhaps reducing the total provision of public off street car parking spaces may well appear counter-intuitive. It is however consistent with the requirements of the Strategic Plan to implement a range of measures to reduce pollution and traffic, develop a sustainable internal transport infrastructure and persuade people out of their cars by providing practical alternatives such as improved bus services, cycle tracks and footpaths. It is consistent too with Proposal 18 referred to above to give increased emphasis to making St Helier more pedestrian friendly. It is worth mentioning here that Policy TT11 does not offer support for individual

premises to put their own off street car parking to new uses, only car parks of a general public nature. We note and support the minor change proposed to Policy TT10 in response to the SEA (dealing with sustainable drainage etc). Otherwise we recommend no changes with respect to Policies TT10 or TT11.

- 10.53 Outside of St Helier there is no evident need to use parking provision as a contributory mechanism to reducing peak house congestion. Policy TT12 rightly recognises that elsewhere parking provision may be proposed in response to demand, subject to environmental safeguards and provision (implicitly other than constrained off street parking) has been made to encourage travel by modes other than the private car. We note and support the minor change proposed in response to the SEA regarding porous surfaces.
- 10.54 Concluding our consideration of parking issues is Proposal 19 Parking Guidelines, which commits the Minister to develop and adopt SPG which sets out new maximum parking guidelines. Against the traditional approach of planning controls requiring minimum parking requirement, this was controversial – especially with respect to residential development - both in principle and for being left to SPG rather than set out within the Plan. It was argued that maximum provision at residential developments goes further than deterring car *usage* but impinges on opportunities for car *ownership*. It was also suggested that developers will rely on incoming residents using kerbside spaces or public car parks, effectively off-loading part of their development costs onto the public purse. These points were persuasively put by a number of participants, including for example Deputy Le Fondré, some of whom in other regards were more supportive of the Plan's approach to travel and transport.
- 10.55 This is a tricky issue and Jersey is far from the first planning and highway jurisdiction to consider it. There can be little doubt that for many people the ability – some would say right – to park at or close to their home is a keenly felt "requirement". From experience elsewhere residential developments that fail to cater for this can lead to increased pressure on nearby kerbside space and for other road users to be excluded from using it.
- 10.56 Conversely, there can be little doubt that in recent times, residential developments with generous car parking provision have done nothing to discourage car usage but have led to dispersed lower density patterns of development not easily served by public transport or viably by local shops. The very availability of generous parking, therefore, as well as facilitating car ownership for those who wish and can afford it also arguably reduces choice by reinforcing a need for car ownership and usage for those who might otherwise prefer not to. Parking standards aimed at fully meeting assessed demand can heavily compromise the number of houses achieved on a development, their residential and amenity space standards and their affordability. If the strategic aim of meeting the Island's housing needs without urban expansions or other forms of greenfield development is to be met, it follows that effective use must be made of scarce urban land, especially within St Helier.
- 10.57 Not all future occupants of urban residential developments want or are able to own cars, and it is worth reflecting that (in 2008) almost a quarter of households within the Parish of St Helier did not own a car. However, for many capping parking provision would compromise a life choice: their level of

car ownership served by convenient off street parking. This should be balanced against the very availability of an affordable house, protection of green field land, potential health benefits from increased walking and cycling, enhanced viability for public transport and, of particular relevance in this chapter of our report, reduced road traffic. We also bear in mind that the new standards would apply only to new developments, so that incoming residents would be aware of what parking is available and take this into account along with other considerations such as price, availability, location and standard of accommodation. Expectations are important here and there will be an element of self selection in who moves in, indeed as occurs already for dwellings that predate the car age and offer little or no scope for parking spaces.

- 10.58 On balance, therefore, we support the Minister's intention to move away from minimum to maximum parking guidelines, including those for residential developments. We do, however, also see a need for great care when drawing up the guidelines, which will need to cover a range of development types, sizes and locations. The proximity to public transport and to town centre, educational and employment facilities must be important determinants. We therefore understand the Minister's wish to retain flexibility and his ability to respond to experience, which would come from having the guidelines in SPG rather than integral to the IP.
- 10.59 Meanwhile, however, there is the obvious risk of creating a hiatus as developers hold back to have their proposals assessed against the emerging but as yet not fully detailed new approach. Having embarked on the change we **recommend** that the Minister undertakes the necessary detailed work and consultations with a view to adoption of the SPG at the earliest opportunity.
- 10.60 Policy **TT13** Protection of the Highway Network attracted little comment while **TT14** Highway Improvements is consistent with the JSTP in supporting only two very limited new improvements and then subject to stringent criteria. Our comments in Volume 2 regarding Site P2 (Field 1027, La Route De Beaumont, St Peter) are made on the basis that there is no firm highway proposal in that locality.

### **Air and Sea Travel**

- 10.61 The undisputed importance of the Port of St Helier and Jersey Airport to freight and passenger transport serving the Island is understandably recognised in the IP.
- 10.62 Relocating and upgrading the Port is foreseen, to handle larger vessels, but this is not envisaged during the emerging IP period. These major changes are to be progressed in the context of Proposal 11 St Helier Regeneration Zones. Representations from Jersey Harbours initially raised concerns regarding the process but we can report that these were resolved with P&E prior to the EiP.
- 10.63 Policy **TT15** safeguards the operational areas "defined on the Proposals Map" from respectively non port or airport related forms of development, save for those at the airport that might arise in the context of Proposal 12 Jersey Airport Regeneration Zone. In fact the Port operational area is not defined on the Proposals Map, and pending any further definition we endorse the Minister's intention to rely on the area defined in the current 2002 IP. We also

think, contrary to a recommendation in the SEA report (Doc IP6) that it would be confusing to conflate Policy TT15 with development control requirements, adequately covered elsewhere in the Plan, and agree with the Minister's intention not to do so.

- 10.64 The Airport Regeneration Zone is shown only indicatively on the Proposals Map, some way outside the airport perimeter, leading to objections regarding loss of agricultural land. In response the Minister proposes to amend the Plan to define the zone as limited to the existing airport operational land. We touched on both regeneration zones earlier, but here conclude that the IP adequately safeguards the transport functions of both the harbour and airport.
- 10.65 The remaining two transport policies **TT16** and **TT17** define noise and public safety zones at the airport, which in different ways and degrees constrain development within them. These well recognised types of zoning assist the airport to operate effectively, by reducing constraints that would otherwise be placed on its operations as well as having obvious wider public benefits. Understandably they attracted little comment.

## CHAPTER 11: NATURAL RESOURCES AND UTILITIES

### Introduction

11.1 The section of the Plan we now consider deals, as its opening paragraph says, with the policies and proposals relating to the Island's requirements for and management of natural resources including water, energy, and minerals – but excluding land and marine resources. It also addresses the infrastructure requirements and management of risk associated with the use of these resources and the provision of other utility services, such as telecommunications. In the light of representations we did not see any need to examine every aspect of these topics but selected key issues that had attracted controversy. In order to bring different perspectives to the debates we invited both professionals working in these fields and a number of participants with more generalist interests. We took a similar approach with regard to Waste Management, indeed there was a sufficient overlap in interests for us to combine debates on the two subject areas even though we follow our normal approach in reporting on them separately.

### Water Resources

11.2 We introduced a short debate on water supply with the words: there is no doubting the importance of clean, safe and reliable water supplies, something perhaps too often taken for granted by developed societies. We are now pleased to report that we heard confirmation that Jersey's water supply is clean, safe and reliable. Also that the IP includes measures to safeguard and build on that situation, by the designation of a single, extensive Water Pollution Safeguard Area, combining both previously protected water source areas and wider catchment areas. Policy NR1: Protection of Water Resources places particular requirements on developments proposed within the designated area (subject also to the provisions of Policies LWM2 and LWM3 which we consider in our next chapter). The Plan also confirms that the Environmental Protection Team (P&E) will be consulted on all such applications. Beyond commending the Minister's intention in **Proposal 20: Water Conservation** also to seek conservation and management measures at development proposals, we need say no more in this chapter on the subject. We note a recommendation, in response to Mr Snowden, which does not seem to have found its way into the 20 June list of amendments, to turn Proposal 20 into a policy. We agree with this recommendation. We also note and support the amendments proposed in response to Mr Smith (Health Protection), which similarly did not appear in the Minister's schedule of proposed amendments of 20 June.

### Minerals

11.3 The Island's indigenous minerals are primarily aggregates, in particular sand, gravel and stone, principally in the form of crushed rock. Very little by way of construction can take place without these materials and as IP 9.43 rightly notes: it is vital that a ready and adequate supply is always available, be it from local extraction, or other sources. This is reflected in **Objective NR2 Minerals Objectives**, which also includes aims to minimise consumption of

primary aggregates and encourage/increase the usage of secondary and recycled aggregates and other substitute materials.

- 11.4 Within this context, we received confirmation at the EiP that the States' approach to primary aggregates supply has moved since 2002 from one favouring local supply to one, in the Minerals Strategy (DocBT16) envisaging bulk importation and now, in the IP, a reversion somewhat back towards local reliance. Simon Sand & Gravel Ltd suggested that although true with regard to crushed rock, the IP as it stands would require bulk importation of sand after 2018 (as envisaged in Objective NR2.7) which the company argued contradicted its strategic aims, in particular "Making best use of our own resources".
- 11.5 We thought it right to take an audit of the supply and demand set out in this part of the IP, numerical tonnages as regards primary aggregates and more descriptively for secondary and recycled sources. The figures were confirmed by the industrial representatives and TTS as underpinning a reasonable basis for future planning purposes, certainly over the life of the Plan.
- 11.6 It would be outside our remit to suggest how an application to prolong extraction at the Simon Sand quarry beyond 2018 might be determined, though we did look at the locality. However the issues prompted a further look at **Policy NR6** Supply of Aggregates. As it stands this is something of hybrid provision. The first part commits the Minister to certain actions, the second of which is to aim "to support the creation of a new berth and handling area which will be available at the end of the Plan period for importing all the Island's sand requirements". It seems to us that the whole of this first part of NR6 is more a Proposal than a Policy in IP terms. In contrast the rest of NR6 provides clear guidance with regard to the three aggregates quarries, including Simon Sand & Gravel. Although, as we have said, we will not seek to influence the outcome, any future planning application warrants a crystal clear policy framework. To this end we first **recommend** that the opening part of Policy NR6, as far as and including the extract just quoted, should be removed and restated as an Objective. The degree of fulfilment of that Objective would then be a material consideration rather than conflated with the Policy itself.
- 11.7 Second, we agree with Simon Sand that **Policy NR8** New or Extended Mineral Workings should not be limited solely to crushed rock but also include sand. The Minister accepted this at the EiP subject to a caveat that the Policy should then be worded starting with a "presumption against". We disagree. With the insertion we **recommend** the head paragraph would read as follows. "Proposals for the winning and working of crushed rock *and sand* outside permitted sites will only be granted consent where:" followed by 7 criteria. So even as it stands the Policy puts the onus on an applicant for permission; while the criteria coherently reflect the aims set out in the text to ensure continuity of supply subject to environmental safeguards.
- 11.8 None of this presupposes that permission would be granted, to Simon Sand or any other applicant; and doubtless the environmental sensitivity of a location would be a weighty material consideration. There would, however, be a clear policy framework, along with other policies in the Plan including those for the Coastal National Park on which to base a decision. If the Minister accepts our

recommendation, it follows that he should also insert the words "or sand" after "crushed rock" in criteria 1 and 5.

- 11.9 There was more disagreement over **Policy NR7** Secondary and Recycled Materials/Alternative Aggregates Production. No one disputed the desirability of increasing the use of secondary and recycled sources; the question was how effectively this is being achieved in practice, or to be more precise how best the situation could be improved. Some saw the answer in central reprocessing, at La Collette for example, others stressed the value of on-site reprocessing.
- 11.10 There is plainly merit in each approach depending on site circumstances. The central issue comes down to compliance with Waste Management Plans attached to planning permissions for development. From personal experience in this field, we understand the difficulties of enforcement and the resentment felt by responsible contractors when they see others getting away with poor practice. So we do not belittle the problem but as on a number of issues we note that the IP is a land use plan and should not be expected to shoulder responsibility for what are essentially operational matters. There are, however, indirect ways in which the Plan can assist; the Minister reminded us of his intention to adopt a Code for Sustainable Homes (this is to be as an update to Proposal 2 and also an addition to Appendix 1). We referred to, and supported, this in our paragraph 3.23; it is entirely in line with the Minister's commitment, which we earlier supported, to address the problems associated with climate change. One aspect of this policy is likely to be to promote the use of secondary and recycled materials.

## **Energy**

- 11.11 The debate regarding energy supplies was enlivened by challenges from Jersey Gas to assumptions in the Energy Policy Green Paper, Fuel for Thought, regarding CO<sub>2</sub> emissions from various power generations causing, it was said, a bias against gas as a fuel which has been carried forward into the IP. We are aware that this topic is fraught with difficulties. Conclusions about emissions depend on what mix of fuels is assumed to be displaced by new plant, including renewables, and also regarding what type of reserve plant is powered up to meet peak demands, down time at conventional plants and the intermittent nature of renewables such as wind energy. What we struggled with was establishing what specific amendments to the IP were being sought. Evidently this is a dispute that has continued amongst those involved in progressing the Green Paper, and fortunately it is not one that we think should shape our report.
- 11.12 We can say this because IP 9.21 lists the 8 features and challenges facing Jersey's energy supplies (extracted from the Green Paper) and only one of these relates to CO<sub>2</sub> emissions. Put simply the stated aim to achieve "secure, affordable and sustainable energy" is a sound one with or without the added imperatives posed by climate change. We therefore turn to the three policies concerning renewable energy.

**Policy NR2: Exploratory, appraisal or prototype off-shore utility scale renewable energy**

**Policy NR3: Off-shore utility scale renewable energy development**

**Policy NR4: Proposals for on-shore renewable energy production**

- 11.13 Policies NR2 and NR3 may be considered together, since they are essentially similar save for the fact that the former encourages and facilitates short term measures that may pave the way for permanent (or at any rate long term) developments facilitated and encouraged under the latter. Supporting text makes clear that the policies are aimed at tidal energy and wind energy. As an aside in another of our sessions, Mr Dubras had urged a prohibition against off-shore wind energy, because of the visual and other impacts, and at this session we heard at least one objection to tidal power because this simply puts harmful impacts out of sight and because of unavoidable shoreline plant.
- 11.14 We disagree with both propositions. As an island, with a lengthy coastline compared with its land area, relatively shallow seas and strong tidal streams, Jersey is well placed to be an exemplar for off-shore energy generation. Rightly, the policies include stringent safeguards, and there will be other important material considerations such as the Ramsar designations.
- 11.15 Policy NR4 concerns on shore production, and the absence of the words "utility scale" in its title flags up a key difference. IP 9.36 notes that domestic scale micro generation would either be exempt from planning permission or would need to be considered under the terms of Policy GD1: General Development Control Considerations. As the text makes clear, NR4 facilitates and encourages district scale proposals, such as district heating schemes or anaerobic digestion plant. As previously the policy lists a range of safeguards.
- 11.16 In response to representations by the Chamber, and also urged by Mrs Binet, the Minister is minded to add a new policy to this Chapter to include a requirement that "all new developments (either new build or conversion) with a floor-space of 1000sqm or ten or more residential units will be required to incorporate renewable energy production equipment to provide at least 10% of the predicted energy requirements". This provision, often called the Merton Rule from its founding planning authority, fills what would otherwise have been a gap in the policy framework for renewable energy and we **recommend** that the Minister proceeds with the change.
- 11.17 IP 9.35 points to there being no suitable on-shore location for utility scale wind generation. At the EiP, the AJA challenged this last point; characterising it as a failure of the Plan more generally that it resists prominent structures even when these may be elegant and worthwhile. We have experience of utility scale windfarms (including perhaps it should be said their approval) and if anything we think the Plan understates why there must be insurmountable objections on the Island. Modern turbines are upwards of 100m high to blade tip and noise is also a real consideration; quite apart from the impact on the intimate scale of Jersey's landscape, the buffer distance of 500m to the nearest dwelling suggested in the Plan is on the low side in our view. We readily accept that any assessment would fail to find a suitable location. In all we propose no changes to Policies NR2, NR3 or NR4.
- 11.18 We mention here just briefly Policy **NR5** Safety Zones for Hazardous Installations, but only to draw attention to our endorsement at para 9.16 of changes to the extent of the safety zones around the fuel store at La Collette (post Buncefield) but we make no suggestions regarding the Policy itself. We also agree with the recommendations regarding the Tunnel Street Gas Holder as a hazardous installation.

- 11.19 We have noted that the Minister proposes a number of other changes to this Chapter, in his list of amendments dated 20 June. In response to Mr Snowden he proposes a change to Policy NR13, in response to Captain le Cornu changes to paras 9.65 and 9.100/Policy NR12, and in response to Mr de Gruchy changes to Policy NR8 and NR15. We support all these proposed amendments.
- 11.20 We have considered all the other written representations regarding this Chapter. In some cases these fall outside the scope of the IP; in others we accept the Minister's view.

## CHAPTER 12 WASTE MANAGEMENT

### Introduction

12.1 The section of the Plan we now consider addresses both solid and liquid waste management. As noted in our previous chapter, we conjoined the debates regarding Waste Management with those on Natural Resources and Utilities even though we now report on them separately. As before we invited both professionals working in these fields and participants with more generalised interests, in order to bring different perspectives to the debates. And again as before, representations on the Plan did not point to us to examining more a few key aspects of the Waste Management Section.

### Solid Waste

- 12.2 The waste hierarchy, illustrated at IP Fig 10.1, is now a well established concept, which was not questioned by anyone. Even so there remains a need to dispose of the irreducible waste at the bottom of the hierarchy. IP10.82 to 10.101 provide the context for Policy **WM8**: Residual Waste and Landfill Sites. The factual data there was confirmed to us, save that TTS consider that at present rates of disposal La Collette will be full by 2016 rather than 2018.
- 12.3 IP10.88 lists 4 options: quarry fill and restoration; identifying and developing further land reclamation sites; export; and sea disposal. Small volumes of hazardous wastes, for which there are no licensed disposal sites on the Island, are and will continue to be exported to the UK subject to a range of regulatory controls. However, the Plan rejects either of the final two disposal routes with respect to the altogether larger volumes of general waste. Somewhat to our surprise the idea of sea disposal was at least tentatively raised by a participant, but we accept the Minister's response that this would be both illegal and contrary to the Plan's aims with regard to the marine zone. Also that exporting general, rather than just hazardous, waste would be expensive and unsustainably contrary to the "proximity" principle.
- 12.4 Of the other two listed options, the Plan prefers terrestrial landfill (more specifically quarry fill and restoration) and Policy WM8 designates La Gigoulande Quarry (Granite Products) for this use, subject to an up to date EIA and a list of safeguarding criteria. TTS advised that their earlier reservations regarding road traffic could be overcome. On present rates of extraction at the quarry it seems clear that the void there will not become available to receive waste by the time La Collette is full. However the operators of the respective sites assured us that they are confident that any overlap period could be managed if needs be by temporary storage or super-filling. We have heard nothing to lead us to suggest a different strategy.
- 12.5 The Policy does not preclude the possibility of terrestrial landfill sites elsewhere but states that such proposals will not normally be permitted, except where a further list of criteria are met. Simon Sand, without disputing the criteria, questioned the negative presumption, pointing to benefits by avoiding a monopoly provider, less concentration of traffic and more options for associated recycling. We are sympathetic to these points, but having

designated a site the Policy is consistent in then presuming against others without ruling them out. It should be borne in mind that even with the negative presumption, a proposal that met all the listed criteria would not be contrary to the Policy. However we do have substantial concerns regarding IP10.101 where it states "However, in response to representations from the National Trust for Jersey and the Society Jersiaise about the potential option of land filling at Simon Sand and Gravel, the Minister has given an assurance that "this will not be permitted during his tenure of office." Such a statement, in effect overriding the drafting of Policy WM8, should have no place in a development plan and we **recommend** its deletion. We are not here in any way suggesting whether Simon Sand quarry would be a suitable location, only that the Company should if they wish be able to have a proposals tested against Policy WM8 on the same basis as any other applicant.

- 12.6 IP10.102 to 10.110 provide the context for Policy **WM9** Land Reclamation. As we suggested by way of a prelude to the debate, although the text identifies benefits including the providing an alternative to greenfield land for development, on any reading the text and Policy now see reclamation – at least as a means of waste disposal – as a last resort when other options have been found wanting.
- 12.7 The AJA did in some measure query whether reclamation has the negative impacts suggested in the Plan. However we believe that the Plan, in particular at IP10.106, does persuasively flag up serious concerns.
- The potential detrimental visual impact of landfill for many years in a sensitive coastal location;
  - Further loss of areas of ecological valuable marine habitat, which is arguably of higher importance and more sensitive than terrestrial habitats;
  - Less predictable impacts, such as on tidal flows and sedimentation patterns around the coastline; and
  - Potential incursion into a Ramsar site.
- 12.8 In our view the Plan is right to take the cautious approach set out in Policy WM9 and we make no recommendation for change.

### **Liquid Waste**

- 12.9 As with the water supply, which we touched on in our previous chapter, Jersey has a well established system of waste water disposal in which most focus will be on operational upgrades and maintenance rather than any new policy framework. We identified just one Policy for debate.
- 12.10 Policy **LWM2** Foul Sewerage Facilities, states that development which results in the discharge of foul effluent will not normally be permitted unless it provides a system of foul drainage that connects to the mains public sewer. However, where this is not feasible it exceptionally facilitates developments served by local systems subject to a number of safeguarding criteria. We can report that this measure was welcomed by the AJA and others and supported by Building Control (Mr Mo Roscouet) as providing a more balanced approach than hitherto . We need say no more.
- 12.11 We note and agree with the changes to policies WM2, WM5 and LWM3 which the Minister outlines, in response to Mr de Gruchy, in the proposed amendments

schedule. We also note that the Minister proposes to amend Policy WM1 (second para) in response to Mr de Gruchy, though this does not appear in the schedule. We agree with this change. And we note that the Minister proposes a number of minor changes to this Chapter (which we accept) in response to Mr Corfield, though they also do not appear in the schedule. We have considered all the remaining written representations, of which there were few, and have no further comments to make.

## **CHAPTER 11: IMPLEMENTATION AND MONITORING**

12.12 We have considered the representations on Chapter 11 of the IP which deal with Implementation and Monitoring. We have mentioned this subject earlier, and consider it to be very important. However we do not wish to make any suggestions for change to Policy **IM1** Plan – Monitor - Manage, which was the subject of only a few – generally supportive – comments.

## APPENDIX 1

### THE DRAFT JERSEY ISLAND PLAN EXAMINATION IN PUBLIC PROGRAMME

*Except where otherwise stated, all sessions were held in the Members' Room, Société Jersiaise, Pier Road, St Helier. Not all Participants recorded their names on the attendance lists and the representatives for some organisations varied from those notified to the Programme Officer. It is regretted if any name is misrecorded, which will not have affected the Inspectors' understanding of the cases put to the EiP. ~~Struck through~~ indicates invited participants who did not attend that session.*

WEEK 1	TOPICS	PARTICIPANTS	TIME ALLOCATED
Tuesday 21 September Day 1	<b>Strategic Policy Framework</b>	<p>States Planning &amp; Environment Department Representatives</p> <p>Louise Magris/Jeremy Barnes Jersey Environmental Forum <del>Mike Waddington</del> Deputy John Le Fondré Mark Forskitt Paul Harding (Association of Jersey Architects) Andrew Morris/Ray Shead (Jersey Chamber of Commerce) <del>Charles Alluto (The National Trust for Jersey)</del> Nicholas Palmer <del>Marc Burton (Institute of Directors)</del> Mike Dun James Godfrey (Royal Jersey Agricultural &amp; Horticultural Society) Senator Sarah Ferguson</p> <p><b>OTHER PARTICIPANTS</b></p> <p><del>Mike King (CEO of Economic Development Department) OR Doug Peedle (Chief Minister's Office) — for Q4 only</del></p> <p>David St George (States Transport and Technical Services Department) for Q5 only</p>	ALL DAY
Wednesday 22 September Day 2	<b>Natural Environment</b>	<p><b>Morning session</b></p> <p>States Planning &amp; Environment Department Representatives</p> <p>Ani Binet Jon Dyson (Association of Jersey Architects) John Pinel Charles Alluto (National Trust for Jersey) Jersey Bat Group <del>Mike Waddington</del> Peter Cadiou (Jersey Chamber of Commerce) James Godfrey (Royal Jersey Agricultural &amp; Horticultural Society) <del>Jersey Environmental Forum</del> John Mesch (Council for Protection of Jersey Heritage) Pierre Le Saux Robin Troy</p>	AM

WEEK 1	TOPICS	PARTICIPANTS	TIME ALLOCATED
Wednesday 22 September Day 2	<b>Natural Environment</b>	<p><b>Afternoon Session</b></p> <p>States Planning &amp; Environment Department Representatives</p> <p>Jon Dyson (Association of Jersey Architects)  Charles Alluto (National Trust for Jersey)  <del>Peter Cadiou (Jersey Chamber of Commerce)</del>  James Godfrey (Royal Jersey Agricultural &amp; Horticultural Society)  Jersey Environmental Forum  John Mesch (Council for Protection of Jersey Heritage)  Greg Morel  Maurice Dubras  <del>Stephen de Gruchy</del>  Captain Howard Le Cornu (Jersey Harbours)  PG Donne Davis (St Helier Boat Owners' Association/Gorey Boat Owners' Association joint rep.)  <del>Nicholas Jouault</del></p>	PM
Thursday 23 September Day 3	<b>Historic Environment; Built Environment; Social, Community &amp; Open Space</b>	<p><b>Morning session</b></p> <p>States Planning &amp; Environment Department Representatives</p> <p>Paul Harding (Association of Jersey Architects)  <del>Marc Burton (Institute of Directors)</del>  Charles Alluto (National Trust for Jersey)  Andrew Morris (Jersey Chamber of Commerce)  <del>Andrew Heaven (Health Improvement, Public Health Department) OR Stephen Smith (Health Protection Services)</del>  Deputy Daniel Wimberley  <del>Penelope Lee</del>  <del>Stephen de Gruchy</del>  Mike Waddington  Andre Ferrari (Council for the Protection of Jersey's Heritage)  Stephanie Steedman  <del>Stuart Fell</del>  Anthony Gibb  Jersey Police (Q5 only)</p>	AM
Thursday 23 September Day 3	<b>Historic Environment; Built Environment; Social, Community &amp; Open Space</b>	<p>States Planning &amp; Environment Department Representatives</p> <p>Paul Harding (Association of Jersey Architects)  <del>Marc Burton (Institute of Directors)</del>  Charles Alluto (National Trust for Jersey)  Andrew Morris (Jersey Chamber of Commerce)  Stephanie Steedman  Rod McLoughlin, ESC Department  Jersey Environmental Forum  Andre Ferrari OR Rowland Anthony (Council for the Protection of Jersey's Heritage)  <del>Stuart Fell</del>  Anthony Gibb</p>	PM

WEEK 1	TOPICS	PARTICIPANTS	TIME ALLOCATED
Friday 24 September Day 4	<b>Historic Environment; Built Environment; Social, Community &amp; Open Space</b>	States Planning & Environment Department Representatives <del>Deputy James Reed</del> Keith Posner, ESC Department John Le Maistre (Jersey Famers Union) Ray Shead/Andrew Morris (Jersey Chamber of Commerce) Myles Winchester (Association of Jersey Architects) Stephanie Steedman Maurice Dubras	AM –up to 11.30 am
Friday 24 September Day 4	<b>Economy</b>	States Planning & Environment Department Representatives <del>Mike King (EDD)</del> <del>Dougie Peedle (Chief Minister's Office)</del> Myles Winchester (Association of Jersey Architects) Stuart Fell/Gerald Fletcher (Jersey Hospitality Association) Roberto Lora (The Savoy Hotel) Seamus Morvan (Morvan Hotels) Bill Sarre (CBRE) Ray Shead/David Dodge (Jersey Chamber of Commerce) Deputy John Le Fondré Ben Ludlam (C Le Masurier Ltd) Captain Howard Le Cornu (Jersey Harbours)	AM/PM - from 11.30 am

WEEK 2	TOPICS	PARTICIPANTS	TIME ALLOCATED
Monday 27 September 2010 Day 5	<b>Housing</b>	<b>SESSION 1 - Supply &amp; Demand &amp; SESSION 2 – Housing Mix</b>  States Planning & Environment Department representatives Dr Gibaut Deputy Sean Power Minister for Housing <del>Senator Terry Le Main</del> Carlo Riva (Association of Jersey Architects) Carl Mavity (Housing Department) Andrew Morris (Jersey Chamber of Commerce) David Parker Deputy John Le Fondré John Mesch (Council for the Protection of Jersey's Heritage) <del>Dr Luke Shobbrook</del> Mike Dun	AM

WEEK 2	TOPICS	PARTICIPANTS	TIME ALLOCATED
Monday 27 September 2010 Day 5	<b>Housing</b>	<p><b>SESSION 3 – Affordable Housing</b></p> <p>States Planning &amp; Environment Department Representatives</p> <p>Deputy Sean Power Minister for Housing  <del>Senator Terry Le Main</del>            Carl Mavity (Housing Department)            David Parker            Deputy John Le Fondré            Andrew Morris (Jersey Chamber of Commerce)            Carlo Riva (Association of Jersey Architects)            (<del>Jersey Construction Council</del>)            Stephen Izaat (WEB)            Martin Clancy (Dandara)  <del>Marc Burton (Institute of Directors)</del>            Bill Sarre (CBRE)            Mike Waddington</p>	PM
Tuesday 28 September Day 6	<b>Housing</b>	<p><b>SESSION 4 – Rural Areas/Agricultural Workers Accommodation</b></p> <p>States Planning &amp; Environment Department Representatives</p> <p><del>Minister for Housing</del>  <del>Senator Terry Le Main</del>            Carl Mavity (Housing Department)            Connetable Silva Yates            James Godfrey (Royal Jersey Agricultural &amp; Horticultural            Society)            Charles Alluto (National Trust for Jersey)            John Le Maistre (Jersey Farmers Union)            Andy Jehan (St John Village Working Party)            Jersey Environment Forum            Mike Stein</p>	AM/PM
Wednesday 29 September Day 7	<b>Travel and Transport</b>	<p>States Planning &amp; Environment Department Representatives</p> <p>David St George (States Transport and Technical Services            Dept.)            Maurice Dubras  <del>Mark Le Sueur</del>            David Dodge (Jersey Chamber of Commerce)  <del>Marc Burton (Institute of Directors)</del>            Ben Ludlam (C Le Masurier Ltd)            Deputy John Le Fondré            Mike Waddington (Association of Jersey Architects)  <del>Stephen de Gruchy</del>            Mark Syvret            Deputy Daniel Wimberley</p>	AM/PM – up to 3.00 pm

WEEK 2	TOPICS	PARTICIPANTS	TIME ALLOCATED
Wednesday 29 September Day 7	<b>Natural Resources &amp; Utilities and Waste Management</b>	<p><b>All Questions</b>            States Planning &amp; Environment Department Representatives</p> <p>Pierre Le Saux            John Poole (Jersey Chamber of Commerce)  <del>Mike Waddington</del>            Richard Le Sueur (Association of Jersey Architects)  <del>Marc Burton (Institute of Directors)</del>  <del>Charles Alluto (National Trust for Jersey)</del>            Jersey Environmental Forum            Anthony Paintin (Société Jersiaise)</p> <p><b>Q1 and Q2</b>            Jason Simon (Simon Sand &amp; Gravel)            Kevin Bowler (Granite Products)            Mike Osborne (Ronez Ltd)            Chris Sampson (Transport &amp; Technical Services Dept.)            Steven Smith (Health Protection)</p>	PM – from 3.00 pm
Thursday 30 September Day 8	<b>Natural Resources &amp; Utilities and Waste Management</b>	<p><b>All Questions</b>            States Planning &amp; Environment Department Representatives</p> <p>Pierre Le Saux  <del>John Poole (Jersey Chamber of Commerce)</del>  <del>Mike Waddington</del>            Richard Le Sueur (Association of Jersey Architects)  <del>Marc Burton (Institute of Directors)</del>  <del>Charles Alluto (National Trust for Jersey)</del>            Jersey Environmental Forum            Anthony Paintin (Société Jersiaise)</p> <p><b>Q3 &amp; Q4</b>            Will Peggie Environment Director  <del>Howard Snowden (Jersey Water)</del>  <del>Greg Morel (Fisheries &amp; Marine Resources)</del>            Mo Roscouet (Building Control)            Duncan Berry (TTS)</p> <p><b>Q5</b>            Paul Garlick (Jersey Gas)            Richard Plaster (Jersey Electricity plc)  <del>Jamie Copsey</del>            Ani Binet  <del>Stephen de Gruchy</del>            Louise Magris</p>	AM
	<b>Open Session</b>	Richard Le Sueur – General Development Control Policy	



WEEK 3	TOPICS	PARTICIPANTS	TIME ALLOCATED
Tuesday 5 October Day 10	<b>Site Specific Sessions</b>	<p><b>2.00 pm – O2 - Field 622, Clos De La Croute, St Ouen</b>  <del>Connetable Kenneth Vibert</del>  Mr Lees-Baker  Pierre Le Saux  Mr Nick Poole  Douglas Creedon</p> <p><b>2.30 pm- G2 - De la Mare Nurseries, Grouville</b>  <del>Anthony Paintin (Société Jersiaise)</del>  Charles Alluto (The National Trust for Jersey)  David Dutson  Roy Smith  Andy Townsend</p> <p><b>3.00 pm – 3.15 pm break</b></p> <p><b>3.15 pm – L10 -Thistlegrove, St Lawrence</b>  <del>Connetable Deidre Mezbourian</del>  Deputy Philip Rondel  Andrew Morris  Anthony Farman  <del>Joe Carney (J.S. Carney &amp; Co. Ltd)</del></p> <p><b>Group 2</b></p> <p><b>3.45 pm – G4 - Field 263A, Grouville</b>  <del>Patrick McCarthy</del>  John Hodge  Education, Sport and Culture Department</p> <p><b>4.05 pm – S6 - Field 745, St Saviour</b>  Tony Sullivan</p> <p><b>4.25pm – G6 - Netherlee, Le Chemin des Maltieres, Grouville</b>  Steven W. Harris  Constable Dan Murphy</p> <p><b>4.45 pm - P4 – Field 287 St Peter</b>  Barry Masefield  Constable John Refault</p> <p><b>5.05pm - H8- Field 1534, Tower Road, St Helier</b>  Nigel Weston</p>	PM

WEEK 3	TOPICS	PARTICIPANTS	TIME ALLOCATED
<p>Wednesday 6 October Day 11</p> <p><b>HELD IN THE ROSE ROOM, JERSEY ARCHIVE</b></p>	<p><b>Site Specific Sessions</b></p>	<p><b>10.00 am – J11 - Old Garden, Blair Adam House, St John</b> Stephanie Steedman Rondebosch Ltd Mr &amp; Mrs Symes</p> <p><b>10.20 am - J4 - Fields 228, 230/230A, 613, 616, St John</b> Mr &amp; Mrs Symes</p> <p><b>10.40 am – C5 - Fields 252 &amp; 253 (Le Quesne Nurseries), St Clement</b> Senator Terry Le Main</p> <p><b>11.00 am – H4 - CTV Site, &amp; Field 1248 La Pouquelaye, St Helier</b> Mike Stein (CTV Site only) Andrew Ozanne Philip Syvret Senator Terry Le Main Deputy Jackie Hilton</p> <p><b>11.20 am – 11.40 am - break</b></p> <p><b>11.40 pm – P7 - Field 739, Le Clos de Remon, St Peter</b> Stephanie Steedman on behalf of Juana Egre</p> <p><b>12.00 pm– MN5 - Land Adjacent Field 715, La Rue Des Cabarettes, St Martin</b> John Reynel</p> <p><b>12.20 pm – G9 - The Grange &amp; Field 730A, Grouville</b> Mike Stein Clients</p> <p><b>12.40 pm – B1 - Booster Station, St Brelade</b> Mike Stein Clients</p> <p><b>1.00pm – 2.00 pm – lunch</b></p> <p><b>2.00 pm – H9 - Field 1550, Westmount Road, St Helier</b> Mike Stein Clients</p> <p><b>2.20 pm – H10 - Fields 1551 &amp; 1552, Westmount Road, St Helier</b> Mike Stein Clients</p>	<p>AM</p> <p>PM</p>

WEEK 3	TOPICS	PARTICIPANTS	TIME ALLOCATED
<p>Wednesday 6 October Day 11</p>	<p><b>Site Specific Sessions</b></p>	<p><b>2.40 pm – O7 - Mont Matthieu, St Ouen</b> Mike Stein Clients</p> <p><b>3.00 pm – O3 - Field 669, La Rue des Grantez, St Ouen</b> Mike Stein Clients</p> <p><b>3.20 pm – H16 -Sunnymeade, Le Mont Cochon, St Helier</b> Mike Stein Clients</p> <p><b>3.40 pm – 4.00 pm - break</b></p> <p><b>4.00 pm – L1 - Bienvenue Farm, St Lawrence</b> Mike Stein Clients</p> <p><b>4.20 pm – MN4 - Houguemont, La Rue D'aval, St Martin</b> Mike Stein Clients</p> <p><b>4.40 pm – MN3 - Field 681, La Rue Bauchauderie, St Martin</b> Mike Stein Clients</p> <p><b>5.00 pm -T4 - Field 1404- La Grande Route de St Jean, Trinity</b> Graham Bisson Mike Dun</p> <p><b>5.20 pm – O11- Field 1519 - La Rue de la Ville au Neveu, St Ouen</b> Graham Bisson Mike Dun</p> <p><b>5.40 pm – S11- Field 200 - Rue du Vieux Menage. St Saviour</b> Graham Bisson Mike Dun</p>	<p>PM</p>
<p>Thursday 7 October Day 12</p>	<p><b>Site Specific Sessions</b></p>	<p><b>10. 00 am – P8 - Field 797, St Peter</b> Mike Stein Clients</p> <p><b>10.20 am – J1 - East Grove, St John</b> Mike Stein Clients</p> <p><b>10. 40 am – S2 - Fields 341 &amp; 342, St Saviour</b> Mike Stein Clients</p>	<p>AM</p>

WEEK 3	TOPICS	PARTICIPANTS	TIME ALLOCATED
Thursday 7 October Day 12	<b>Site Specific Sessions</b>	<p><b>11.00 am – S5 - Fields 741 &amp; 742, New York Lane, St Saviour</b> Mike Stein Clients</p> <p><b>11.20 am – 11.40 am – break</b></p> <p><b>11.40 am – O5 - Field 783 &amp; 785, La Route De Millais, St Ouen</b> Mike Stein Clients</p> <p><b>12.00 pm– T3 - Field 1017a, Trinity</b> Mike Stein Clients</p> <p><b>12.20 pm– L6 - La Maisonette, La Rue De Haut, St Lawrence</b> Mike Stein Clients</p> <p><b>12.40 pm – G7 - Panorama, Land to the South of Les Fonds de Longueville, Grouville</b> Mike Stein Clients</p> <p><b>1.00 pm – 2.00 pm – lunch</b></p> <p><b>2.00 pm- S9a - Les Sapins, St Saviour</b> Mike Stein Clients</p> <p><b>2.20 pm – S9b -Les Guilleaumerie, St Saviour</b> Mike Stein Clients</p> <p><b>2.40 pm –B2 - Brook Farm, Mont Nicolle, St Brelade</b> Mike Stein Clients</p> <p><b>3.00 pm – B8 - Oak Lane Farm, La Route Du Petit Port, St Brelade</b> Mike Stein Clients</p> <p><b>3.20 pm- 3.40 pm - break</b></p> <p><b>3.40 pm – C4 - Field 190a, La Rue Graut, St Clement</b> Mike Stein Clients</p> <p><b>4.00 pm - B9 Ocean View, Peiti Port Close, St Brelade</b> Mike Stein Clients</p>	

WEEK 3	TOPICS	PARTICIPANTS	TIME ALLOCATED
		<p><b>4.20 pm - B12 - Villa Devereux, La Route Orange, St Brelade</b> Mike Stein Clients</p> <p><b>4.40 pm - L2 - Field 79, Broadfield Vineries, Les Chanolles De Six Rues, St Lawrence</b> Mike Stein Clients</p> <p><b>5.00 pm - S3b - Field 530a, Les Cinq Chenes Estate, Princes Tower Road, St Saviour</b> Mike Stein Clients</p>	PM
Friday 8 October Day 13	<b>Site Specific Sessions and Closing Submissions</b>	<p><b>10.00 am - S3a – Field 530, Welton Way, St Saviour</b> Mr &amp; Mrs McLean Riva Architects</p> <p><b>10.20 am - P10 - Fields 888 and 890, St Peter</b> Riva Architects</p> <p><del><b>10.40 am – B10 Portelet Heights, St Brelade</b></del> <del>Gary Le Quesne</del></p> <p><b>11.00 am - MN6 – Queruee Lodge, St Martin</b> Zelah Ltd.</p> <p><b>11.20 am – 11.40 am Break</b></p> <p><b>11.40 am - H15, Seafield House, Millbrook</b> Jim Naish Richard Miles</p> <p><b>12.00 pm - B11 – Biarritz Hotel</b> Duncan O'Neill Senator Ferguson Minister for Tourism Jim Naish</p> <p><b>12.20 pm – O12 - Field 1037, St Ouen</b> Stephanie Steedman on behalf of Philip Le Quesne</p> <p><b>12.40 pm – 2.00 pm - lunch</b></p> <p><b>2.00 pm States Closing Submission</b></p> <p><b>2.30 EiP closes</b></p>	AM

## APPENDIX 2

### DRAFT JERSEY ISLAND PLAN EXAMINATION IN PUBLIC

#### LIST OF DOCUMENTS

##### Examination Process Documents

EPD/1	Revised Guidance Notes for Participants and Observers
EPD/2	Notes of the First Pre-Examination Meeting held on 27 May 2010
EPD/3	Notes of the Second Pre-Examination Meeting held on 22 June 2010
EPD/4	Draft List of Topics and Participants – 25 May 2010
EPD/5	Revised Draft List of Topics and Participants – 10 June
EPD/6	Near Final List of Topics and Participants – 2 July 2010
EPD/7	Final list of Topics and Participants – 29 July 2010
EPD/8	Programme For the Examination – 2 August 2010
EPD/9	Housing Seminar Presentation
EPD/10	Joint Housing and Planning Statement
EPD/11a	General notes for Participants – Day 1- Strategic Policy Framework
EPD/11b	General notes for Participants – Day 2 (am) – Natural Environment
EPD/11c	General notes for Participants – Day 2 (pm) – Natural Environment
EPD/11d	General notes for Participants – Day 3 (am) – Historic Environment; Built Environment, Social, Community and Open Space
EPD/11e	General notes for Participants – Day 3 (pm) – Historic Environment; Built Environment, Social, Community and Open Space
EPD/11f	General notes for Participants – Day 4 (10.00 – 11.30am) – Historic Environment; Built Environment, Social, Community and Open Space
EPD/11g	General notes for Participants – Day 4 (11.30am onwards) – Economy
EPD/11h	General notes for Participants – Days 5-6 – Housing
EPD/11i	General notes for Participants – Day 7 (up to 3.00 pm) – Travel and Transport
EPD/11j	General notes for Participants – Day 7 (from 3.00 pm) – Natural Resources & Utilities and Waste Management
EPD/11k	General notes for Participants – Day 8 Natural Resources & Utilities and Waste Management (continued)
EPD/11l	General notes for Participants – Days 10-13 – Site Specific Sessions

##### Statements & Representations for Strategic Policy Framework

SPF/Q1/FERGUSON	Statement by Senator Sarah Ferguson
SPF/Q1/FORSKITT	Statement by Mark Forskitt
SPR/FONDRE	Original representation of Deputy John Le Fondré
SPF/ROYAL	Original representation of the Royal Jersey Agricultural & Horticultural Society
SPF/JCC	Original representation of Jersey Chamber of Commerce
SPF/DUN	Original representation of Mike Dun
SPF/NT	Original representation of The National Trust for Jersey
SPF/WADDINGTON	Original representation of Mike Waddington
SPF/FORUM	Original representation of Jersey Environmental Forum
SPF/IOD	Original representation of the Institute of Directors
SPF/AJA	Original representation of the Association of Jersey Architects
SPF/PALMER	Original representation of Nicholas Palmer

SPF/STATES/1	Response by the States to the statement by Senator Sarah Ferguson
SPF/STATES/2	Response by the States to the statement by Mark Forskitt

### Statements & Representations for Natural Environment

NE/Q1-4/WADDINGTON	Original representation of Mike Waddington
NE/Q5/MD	Statement by Maurice Dubras
NE/Q5-6/MOREL	Original representation of Greg Morel
NE/ Q5-6/BOAT	Original representation of St Helier Boat Owners Association and St Gorey Boat Owners Association
NE/ Q5-6/GRUCHY	Original representation of Stephen de Gruchy
NE/AJA	Original representation of the Association of Jersey Architects
NE/TROY	Original representation of Robin Troy
NE/BAT	Original representation of Jersey Bat Group
NE/HARBOURS	Original representation of Jersey Harbours, including Second Round Representation
NE/JCC	Original representation of Jersey Chamber of Commerce
NE/FORUM	Original representation of Jersey Environmental Forum
NE/PINEL	Original representation of John Pinel
NE/NT	Original representation of The National Trust for Jersey
NE/ROYAL	Original representation of the Royal Jersey Agricultural & Horticultural Society
NE/HERITAGE	Original representation of the Council for the Protection of Jersey's Heritage
NE/BINET	Original representation of Ani Binet
NE/JOUAULT	Original representation of Nicholas Jouault
NE/LE SAUX	Original representation of Pierre Le Saux
NE/STATES	Response by the States to the statement by Maurice Dubras

### Statements & Representations for Historic Environment; Built Environment, Social Community & Open Space

HE/Q1-5/GRUCHY	Original representation of Stephen de Gruchy
HE/Q1-5/WIMBERLEY	Original representation of Deputy Daniel Wimberley
HE/Q1-5/WADDINGTON	Original representation of Mike Waddington
HE/Q5/PHD	Statement by the Public Health Department
HE/Q5/POLICE	Statement by Jersey Police
HE/Q8/ESC	Statement by the Department for Education, Sport & Culture
HE/Q10-12/MB	Statement by Maurice Dubras
HE/JCC	Original representation of Jersey Chamber of Commerce
HE/NT	Original representation of The National Trust for Jersey
HE/FARMERS	Original representation of Jersey Farmers Union
HE/FORUM	Original representation of Jersey Environmental Forum
HE/IOD	Original representation of the Institute of Directors
HE/HERITAGE	Original representation of the Council for the Protection of Jersey's Heritage
HE/AJA	Original representation of the Association of Jersey Architects

HE/STEEDMAN	Original representation of Stephanie Steedman
HE/GIBB	Original representation of Antony Gibb
HE/STATES/1	Response by the States to the statement by the Public Health Department
HE/STATES/2	Response by the States to the statement by the Department for Education, Sport & Culture

### Statements & Representations for Economy

ECON/Q1/JHA	Statement on behalf of Jersey Hospitality Association
ECON/Q4-5/JHA	Statement on behalf of Jersey Hospitality Association
ECON/MORVAN	Original representation of Morvan Hotels, including Second Round Representation
ECON/FONDRE	Original representation of Deputy John Le Fondré
ECON/SAVOY	Original representation of the Savoy Hotel
ECON/HARBOURS	Original representation of Jersey Harbours
ECON/AJA	Original representation of the Association of Jersey Architects
ECON/CBRE	Original representation of CB Richard Ellis
ECON/LE MAS	Original representation of Le Masurier
ECON/JCC	Original representation of Jersey Chamber of Commerce
ECON/STATES/1	Response by the States to the statement on Q1 by Jersey Hospitality Association
ECON/STATES/2	Response by the States to the statement on Q4 by Jersey Hospitality Association

### Statements & Representations for Housing – Supply and Demand and Housing Mix

HSD/Q1-5/PIONEER HHM/Q1/PIONEER	Statement by Pioneer Property Services Ltd
HSD/Q1-5/HARD	Statement by Valerie Harding
HSD/FONDRE HHM/FONDRE	Original representation of Deputy John Le Fondré
HSD/HERITAGE HHM/HERITAGE	Original representation of the Council for the Protection of Jersey's Heritage
HSD/DUN HHM/DUN	Original representation of Mike Dun
HSD/JCC HHM/JCC	Original representation of Jersey Chamber of Commerce
HSD/AJA HHM/AJA	Original representation of the Association of Jersey Architects
HSD/LE MAIN HHM/LE MAIN	Original representation of Senator Le Main
HSD/SHOBBROOK HHM/ SHOBBROOK	Original representation of Dr Luke Shobbrook
HSD/STATES HHM/ STATES	Response by the States to the statement by Pioneer Property Services Ltd
HSD/STATES/1 HHM/ STATES/1	Transcript of presentation by Dr Gibaud

### Statements & Representations for Housing – Affordable Housing

HAH/PIONEER	Statement by Pioneer Property Services Ltd
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HAH/PIIONEER/1	Statement by Pioneer Property Services Ltd on the Draft Outline Affordable Housing SPG
HAH/CONSTRUCTION	Original representation of Jersey Construction Council Ltd, including Second Round Representation
HAH/WEB	Original representation of WEB
HAH/IOD	Original representation of the Institute of Directors
HAH/CBRE	Original representation of CB Richard Ellis
HAH/WADDINGTON	Original representation of Mike Waddington
HAH/DANDARA	Original representation of Dandara
HAH/FONDRE	Original representation of Deputy John Le Fondré
HAH/JCC	Original representation of Jersey Chamber of Commerce
HAH/AJA	Original representation of the Association of Jersey Architects
HAH/LE MAIN	Original representation of Senator Le Main
HAH/STATES	Response by the States to the statement by Pioneer Property Services Ltd on the Draft Outline Affordable Housing SPG

### **Statements & Representations for Housing – Rural Areas/Agricultural Workers Accommodation**

HRA/Q1-2/YATES	Statement by Connetable Yates
HRA/Q1-3/STEIN	Statement by Mike Stein
HRA/NT	Original representation of The National Trust for Jersey
HRA/ROYAL	Original representation of the Royal Jersey Agricultural & Horticultural Society
HRA/FARMERS	Original representation of Jersey Farmers
HRA/FORUM	Original representation of Jersey Environmental Forum

### **Statements in response to the States' Draft Housing Policies – Update Note**

DHP/PIIONEER	Response to the States' Draft Housing Policies – Update Note
DHP/STEIN/1	Response to the States' Draft Housing Policies – Update Note (Longueville)
DHP/STEIN/2	Response to the States' Draft Housing Policies – Update Note (Samares)
DHP/STEIN/3	Response to the States' Draft Housing Policies – Update Note (Cooke's Rose Farm)
DHP/COOKE	Response to the States' Draft Housing Policies – Update Note (Cooke's Rose Farm)

### **Statements & Representations for Travel and Transport**

TT/Q1-3/JCC	Statement by David Dodge (to confirm if JCC)
TT/Q1-3 & 5/MD	Statement by Maurice Dubras
TT/FONDRE	Original representation of Deputy John Le Fondré
TT/AJA	Original representation of the Association of Jersey Architects
TT/GRUCHY	Original representation of Stephen de Gruchy
TT/WIMBERLEY	Original representation of Deputy Daniel Wimberley
TT/LE MAS	Original representation of Le Masurier
TT/IOD	Original representation of the Institute of Directors
TT/LE SUEUR	Original representation of Mark Le Sueur
TT/SYVRET	Original representation of Mark Syvret

## Statements & Representations for Natural Resources and Utilities and Waste Management

NR/Q1-2/SIMON	Statement by Simon Sand & Gravel Ltd. (original rep)
NR/Q1-2/GRANITE	Original representation of Granite Products
NR/Q3-4/MOREL	Original representation of Greg Morel
NR/Q3-4/WATER	Original representation of Jersey Water
NR/Q5/GAS	Statement by Jersey Gas
NR/Q5/GRUCHY	Original representation of Stephen de Gruchy
NR/Q5/ELECTRIC	Original representation of Jersey Electricity
NR/Q5/COPSEY	Original representation of Jamie Copsey
NR/SOCIETE	Original representation of Société Jersiaise
NR/NT	Original representation of The National Trust for Jersey
NR/FORUM	Original representation of Jersey Environmental Forum
NR/IOD	Original representation of the Institute of Directors
NR/WADDINGTON	Original representation of Mike Waddington
NR/HPS	Original representation of Health Protection Services
NR/AJA	Original representation of the Association of Jersey Architects
NR/BINET	Original representation of Ani Binet
NR/GRUCHY	Original representation of Stephen de Gruchy
NR/JCC	Original representation of Jersey Chamber of Commerce
NR/LE SAUX	Original representation of Pierre Le Saux

### Statements for Open Session

OS/QUESNE	Statement by Ed Le Quesne
OS/DUN	Statement by Mike Dun

## STATEMENTS AND REPRESENTATIONS FOR THE SITE SPECIFIC SESSIONS

### Statement for B1 - Booster Station, St Brelade

B1/STEIN	Statement by Mike Stein
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### Statement for B2 - Brook Farm, Mont Nicolle, St Brelade

B2/STEIN	Statement by Mike Stein
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### Statement for B8 - Oak Lane Farm, La Route Du Petit Port, St Brelade

B8/STEIN	Statement by Mike Stein
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### Statements for B9 - Ocean View, Peiti Port Close, St Brelade

B9/STEIN	Statement by Mike Stein
B9/JACKLIN	Photographs from Donna Jacklin

### Statement for B12 - Villa Devereux, La Route Orange, St Brelade

B12/STEIN	Statement by Mike Stein
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### Statement for C4 - Field 190a, La Rue Graut, St Clement

C4/STEIN	Statement by Mike Stein
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### Original representations for C6 - Samares Nursery, St Clement

C6/STEIN	Statement by Mike Stein
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C6/GORST	Original representation of Deputy Ian Gorst
C6/NORMAN	Original representation of Connetable Len Norman

**Original representations for G2 - De la Mare Nurseries, Grouville**

G2/SMITH	Original representation of Roy Smith
G2/NT	Original representation of The National Trust for Jersey

**Statements for G4 - Field 263A, Grouville**

G4/ESC	Statement by the Department for Education, Sports & Culture
G4/MCCARTHY	Statement by Patrick McCarthy

**Statement for G6 - Netherlee, Le Chemin des Maltieres, Grouville**

G6/HARRIS	Statement by Steven and Claire Harris
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**Statement for G7 - Panorama, Land to the South of, Les Fonds de Longueville, Grouville**

G7/STEIN	Statement by Mike Stein
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**Statement for G9 - The Grange & Field 730A, Grouville**

G9/STEIN	Statement by Mike Stein
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**Statement for H9 - Field 1550, Westmount Road, St Helier**

H9/STEIN	Statement by Mike Stein
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**Statement for H10 - Fields 1551 & 1552, Westmount Road, St Helier**

H10/STEIN	Statement by Mike Stein
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**Statement for H16 - Sunnymead, Le Mont Cochon, St Helier**

H16/STEIN	Statement by Mike Stein
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**Statement for J1 - East Grove, La Route du Mont Mado, St John**

J1/STEIN	Statement by Mike Stein
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**Statement for J4 - Fields 228, 230/230A, 613, 616, St John**

J4/SYMES	Statement by Maureen Symes
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**Statement for J11 - Old Garden, Blair Adam House, St John**

J11/RONDEBOSCH	Statement on behalf of Rondebosch Ltd.
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**Statement for L1- Bienvenue Farm, St Lawrence**

L1/STEIN	Statement by Mike Stein
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**Statement for L2- Field 79, Broadfield Vineries, Les Chanolles De Six Rues, St Lawrence**

L2/STEIN	Statement by Mike Stein
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**Statement and original representations for L3 - Cooke's Rose Farm, Field 114, Le Passage, Carrefour Selous, St Lawrence**

L3/STEIN	Statement by Mike Stein
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L3/KERLEY	Original representation of Susan Kerley
L3/MEZBOURIAN	Original representation of Connetable Deidre Mezbourian
L3/MEZBOURIAN/1	Written representation of Connetable Deidre Mezbourian

**Statement for L6 – La Maisonette, La Rue De Haut, St Lawrence**

L6/STEIN	Statement by Mike Stein
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**Statement & original representations for L10 - Thistlegrove, St Lawrence**

L10/STEIN	Statement by Mike Stein
L10/RONDEL	Original representation of Deputy Rondel
L10/MEZBOURIAN	Original representation of Connetable Deidre Mezbourian
L10/MEZBOURIAN/1	Written representation of Connetable Deidre Mezbourian

**Statement for MN3 – Field 681, La Rue Bauchauderie, St Martin**

MN3/STEIN	Statement by Mike Stein
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**Statement for MN4 – Houguemont, La Rue D'aval, St Martin**

MN4/STEIN	Statement by Mike Stein
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**Original representation for MN5 – Land Adjacent Field 715, La Rue Des Cabarettes, St Martin**

MN5/REYNAL	Original representation of John Reynal
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**Statement for MN6 – Queruee Lodge, St Martin**

MN6/ZELAH	Statement by Zelah Limited
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**Statement for O2 - Field 622, Clos De La Croute, St Ouen**

O2/CREEDON	Statement by Douglas Creedon
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**Statement for O3 - Field 669, La Rue des Grantez, St Ouen**

O3/STEIN	Statement by Mike Stein
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**Statement for O5 - Field 783 & 785, La Route De Millais, St Ouen**

O5/STEIN	Statement by Mike Stein
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**Statement for O7 - Mont Matthieu, St Ouen**

O7/STEIN	Statement by Mike Stein
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**Statement for O11- Field 1519 - La Rue de la Ville au Neveu, St Ouen**

O11/BISSON	Statement by Graham Bisson
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**Statement for O12 - Field 1037, St Ouen**

O12/LEQUESNE	Statement on behalf of Philip Le Quesne
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**Statement for P4 - Field 287 St Peter**

P4/Masefield	Statement by Barry Masefield
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**Statements for P6 - Field 641, St Peter**

P6/HOLL	Statement by Michael and Jennifer Holley, including Second Round Representation
P6/ROSS	Statement by Alan and Elaine Le Rossignol

P6/JACKSON	Statement by John and Jayne Jackson
P6/JONES	Statement by Bill and Sue Jones
P6/MORG-ALEX	Statement by Gill Morgan and Mike Alexandre

**Statement for P7 - Field 739, Le Clos de Remon, St Peter**

P7/EGRE	Statement on behalf of Mrs Juana Egre
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**Statement for P8 - Field 797, St Peter**

P8/STEIN	Statement by Mike Stein
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**Original representation for P10 - Fields 888 and 890, St Peter**

P10/RONDEL	Original representation of Riva Architects
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**Statement for S2 - Fields 341 & 342, Clos De La Pommeraie, La Rue De Deloraine, St Saviour**

S2/STEIN	Statement by Mike Stein
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**Statement for S3b- Field 530a, Les Cinq Chenes Estate, Princes Tower Road, St Saviour**

S3b/STEIN	Statement by Mike Stein
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**Statement for S5- Fields 741 & 742, New York Lane, St Saviour**

S5/STEIN	Statement by Mike Stein
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**Statement for S9a- Les Sapins, La Rue De Guilleamerie, St Saviour**

S9a/STEIN	Statement by Mike Stein
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**Statement for S9b- Les Guilleaumerie, St Saviour**

S9b/STEIN	Statement by Mike Stein
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**Statement and original representations for S10 - Longueville Nurseries, New York Lane, St Saviour**

S10/STEIN	Statement by Mike Stein
S10/RANSOM	Original representation of James Ransom
S10/HAMON	Original representation of Brian Hamon, including Second Round Representation

**Statement for S11- Field 200 - Rue du Vieux Menage. St Saviour**

S11/BISSON	Statement by Graham Bisson
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**Statement for T3- Field 1017a, La Rue Du Moulin Du Ponterrin, Trinity**

T3/STEIN	Statement by Mike Stein
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**Statement for T4- Field 1404- La Grande Route de St Jean, Trinity**

T4/BISSON	Statement by Graham Bisson
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## APPENDIX 3

### DRAFT JERSEY ISLAND PLAN EXAMINATION IN PUBLIC

#### CORE DOCUMENTS LIST

IP1	Island Plan Review Green Paper – Strategic Options
IP2	Island Plan Review White Paper Draft Plan
IP3	Island Proposals Map
IP4	Town Proposals Map
IP5	Policy & Zoning Amendments Schedule
IP6	Strategic Environmental Assessment (Hyder Report)
IP6a	Minister's Response to Strategic Environmental Assessment
IP7	Strategic Environmental Assessment (Hyder Report) Appendix D - Matrices

#### PUBLIC CONSULTATION RELATED DOCUMENTS

PC1	Green Paper Consultation Report
PC1a	Green Paper Consultation Report – Appendix 1
PC1b	Green Paper Consultation Report – Appendix 2
PC1c	Green Paper Consultation Report – Appendix 3
PC2	Coastal National Park Consultation Report
PC3	White Paper Consultation Report
PC4	Green Paper Stakeholder Briefing Papers
PC5	Green Paper Stakeholder Meeting Minutes
PC6	Green Paper Plenary Minutes
PC7	White Paper Consultation Summary
PC8	White Paper Draft Plan Amendment Schedule
PC9	Closing Submission by the States

#### BACKGROUND TECHNICAL DOCUMENTS

BT1	Retail Study – DTZ - 2008
BT2	Inert Waste Study - Ian Williams - 2008
BT2a	Inert Waste Study – Appendices 1-4
BT2b	Inert Waste Study – Appendices 5-8
BT3	JPC Open Space Study - 2009
BT4	Kelvin Macdonald Housing Affordability Report - 2009
BT5	2007 Housing Needs Survey – Statistics Unit
BT6	Future Requirements for Homes - 2005-2035
BT6a	Future Requirements for Homes - 2005-2035 - Addendum
BT6b	Future Requirements for Homes - 2005-2035 – Second Addendum
BT7	Town Capacity Report – Ralph Buchholz
BT8	St. Helier Office Market Report – BNP Paribas Real Estate Jersey -2009
BT9	Light Industrial Report – BNP Paribas Real Estate Jersey – 2009
BT10	St. Helier Character Appraisal Report - Willie Miller -2005
BT11	St Helier Development & Regeneration Strategy EDAW – 2007
BT12	Countryside Character Appraisal – LUC - 1999
BT13	Sustainable Transport Plan - 2010

BT14	Tidal Power for Jersey – Options & Opportunities – Tidal Power Steering Group - 2008
BT15	Land Use Planning Risk Assessment for La Collette Fuel Depot and Jersey Gas Facility – Atkins -2007
BT16	Jersey Minerals Strategy 2000-2020 – Arup -1999
BT17	Interim Review of Residential Land Availability (Planning for Homes) - 2010
BT18	Strategic Land Availability Assessment – July 2010
BT19	Residential Land Availability Statistics @ Start 2010 – June 2010
BT20	Draft Housing Policies – Update Note – September 2010

## SUPPORTING DOCUMENTS

SD1	Supplementary Planning Guidance: Planning Obligation Agreements - 2008
SD2	Supplementary Planning Guidance: Advice note 2 - Development of Potentially Contaminated Land - October 2005
SD3	Supplementary Planning Guidance: Advice note 3 - Percentage for Art
SD4	Supplementary Planning Guidance: Advice note 4: Design Statements -December 2006
SD5	Jersey Design Guide - October 2008
SD6	The Jersey Waterfront Supplementary Planning Guidance - April 2006 – Chris Shepley
SD7	(draft) North of Town Masterplan 2009 – Hopkins Architects
SD7a	Revised Northern Area of St. Helier Masterplan 2009 – Hopkins Architects
SD8	Masterplan for the Esplanade Quarter - Hopkins - April 2006
SD9	Draft Outline Supplementary Planning Guidance: Affordable Housing - August 2010
SD10	Affordable Housing Economic Viability Model, August 2010
SD11	Jersey Homebuy Housing – Supplementary Guidance – July 2010

## OTHER STATES' DOCUMENTS

OS1	States Strategic Plan - 2009-14
OS2	Imagine Jersey 2035 – Preparing for the Future – February 2008
OS3	States Migration Policy Document – Part 1 – December 2007
OS3a	States Migration Policy Document – Part 2 – June 2009
OS4	Biodiversity: A Strategy for Jersey
OS5	Rural Economy Strategy - 2005
OS6	Countryside Renewal Scheme – Guidance Notes for Applicants - 2009
OS7	States of Jersey Retail Framework - 2010
OS8	Report on the Jersey Annual Social Survey- 2005
OS9	Jersey Annual Social Survey- 2008
OS10	Solid Waste Strategy - 2005
OS11	A Review of Social Housing in Jersey - Whitehead Report - 2009
OS12	The State of Jersey – A Report on the Condition of Jersey's Environment - January 2005
OS13	Protection of Ecologically Sensitive Areas – Penny Anderson Report - 2010
OS14	Samares Nursery Proposition – April 2010
OS15	Integrated Coastal Zone Management Strategy



**Report to the Minister for Planning  
and Environment**

**by**

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**The (Draft) Jersey Island Plan 2009**

**Volume 2**

## **Introduction to site specifics**

The schedule which follows deals with all the issues which were raised in representations and which refer to particular sites. In most cases these are sites which people put forward as possible locations for housing or other development, or cases where people objected to particular development proposals. Other cases deal with matters such as the boundary of the proposed National Park or the definition of protected open space.

We visited all of the sites discussed in this schedule (unaccompanied in all cases except one), and in quite a number of cases we made a second visit; we are grateful to the States for making arrangements for this.

We have looked at all of the sites in a dispassionate way – as with all the matters in the Plan we have tried to be as objective as possible, without being influenced by any personal considerations. We have in a few cases been made aware of political factors but we have nonetheless tried to give an impartial professional view as to the merits (or otherwise) of sites. For practical reasons – there are over 100 sites – we deal with them relatively briefly, but we have considered them thoroughly.

We make a number of preliminary points:

1 Some of these are very minor issues, not really appropriate for an EiP into a plan dealing with the strategy for the future of the Island. They are nonetheless important and we have taken them very seriously. In a few cases, however, they are essentially development control matters and we have not been able in the time available to carry out all the research which would be needed to come to a firm view on them (nor would it be appropriate for us to do so). We give a preliminary view.

2 In most cases, where new sites have been put forward for development, there has so far as we know been little or no consultation with surrounding residents, with the Parishes, or with others. We have therefore been cautious about this. There are some sites which we suggest may have potential for future development but this would be dependent on an effective level of consultation. As we have indicated in Volume 1 we do not recommend that these be included in the IP, because of the delay this would cause.

3 Quite a number of the proposals were, bluntly, in direct conflict with the overall strategy of the Plan. It will be clear from Volume 1 of our report that in general we support the Minister's aim to concentrate development in or very close to the urban areas, for various reasons and we are acutely aware of the States' overall policy to avoid the development of greenfield sites. On the other hand, as we also indicate in Volume 1, there are dangers in a blindly rigid approach to this principle and we indicate in a very few cases (generally involving sites capable of taking only a single dwelling) where we think the Minister might make an exception.

4 There were suggestions during the debates on individual sites that we should modify policies ERE7 or NE7 to deal with this problem and to provide greater flexibility. As we indicate more fully in Volume 1 we do not accept these suggestions; we agree with the States that this would place them at the top of a slippery slope.

5 We understand that on previous occasions further sites have been added to the Island Plan as a result of propositions at a very late stage made by Members in the States Assembly. We think the fact that the EiP has taken place should remove the need for this. All States Members were invited to take part, and all had ample opportunity to put forward sites at various stages in the process. It would undermine the whole process if new sites now came forward which had not been the subject of debate and examination.

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
B1	DP1141	Booster Station, Le Chemin des Pietons, St Brelade	Site put forward for housing & the rezoning of wider area as 'Built up Area'	The Minister is not minded to amend the draft Plan	We note the extant permission for a sizeable single dwelling on this site, to replace existing outworn development. But we see no case for the suggested larger new BUA; the locality contains no more than sporadic development and it is not well related to the core of St Aubin. <b>Recommendation: that the Minister does not amend the Plan.</b>
B2	DP1156	Brook Farm, Mont Nicolle, St Brelade	Site put forward for housing with the extension of the 'Built up Area' to include site.	The Minister is not minded to amend the draft Plan	This site is closely associated with existing residential development and surrounded on three sides by the BUA as defined by the Draft Plan. Bearing in mind the existing pattern of development, in all the particular circumstances we consider that the BUA boundary would be more appropriately drawn to include this site. This would not be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister amends the BUA to take in this very small site.</b>
B3	DP854	Cliff House, St Aubin, St Brelade	Objection to 'Built up Area' designation	The Minister is not minded to amend the draft Plan	This site is fully within the BUA and does not meet the criteria for a POS. <b>Recommendation: that the Minister does not amend the Plan.</b>
B4	DP768	Corbiere & Noirmont Headland, St Brelade	Request to designate as 'Coastal National Park'	The Minister is not minded to amend the draft Plan	<b>Recommendation: for the reasons we set out in Volume 1, Chapter 4, that the Minister does not amend the Plan.</b>
B5	DP1183	East of Mont Nicolle, St Brelade	Amend designation from 'Built up Area' to 'Green Zone'	Minister minded to amend error on hardcopy version of proposal map as published on 26th September 2009	We accept that the Proposals Map included an error here. <b>Recommendation: that the Minister should amend the Plan.</b>
B6	DP888	Field 398 La Route Du Petit Port, St. Brelade	Site requested to be included within the 'Built up Area'.	The Minister is not minded to amend the draft Plan	This site is remotely located and does not form an obvious residential curtilage. Its development would be contrary to the strategic aims of the Plan. <b>Recommendation that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
B7	DP1126	Fields 706 & 707 St Brelade	Site put forward for housing	The Minister is not minded to amend the draft Plan	This site scores poor or low on all categories in the Suitability for Housing Assessment. Its development would result in housing extending into open countryside beyond the BUA contrary to the strategic aims of the Plan. <b>Recommendation that the Minister does not amend the Plan.</b>
B8	DP1017 DP1147	Oak Lane Farm, La Route Du Petit Port, St Brelade	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	This small parcel of land fronts the eastern side of La Route Du Petit Port, which forms a well defined edge to the BUA to the west. Extending the BUA to take in this additional area of land would be contrary to the strategic aims of the Plan and would extend development into the largely open area of countryside to the eastern side of the road. <b>Recommendation: that the Minister does not amend the Plan.</b>
B9	DP1153 DP685 DP686 DP687 DP888	Ocean View, Petit Port Close, St. Brelade	Site put forward for housing as an extension of the 'Built up Area'.  Support for existing 'Built up Area' zoning extent	The Minister is not minded to amend the draft Plan	This site is rearward part of a modest sized domestic curtilage, containing outbuildings and used for residential purposes such as parking. It is enclosed on 2½ sides by BUA as defined by the Draft Plan, and two dwellings have been constructed relatively recently to the south. Bearing in mind the existing pattern of development, in all the particular circumstances we consider that the BUA boundary would be more appropriately drawn to include this site. This would not be contrary to the strategic aims of the Plan. It was indicated to us that the site might be suitable for one further dwelling or just possibly two. <b>Recommendation: that the Minister amends the BUA to take in the very small area of the domestic curtilage of Ocean View, Petit Port Close.</b>
B10	DP1115	Portelet Heights, St Brelade	Site put forward for housing & objection to 'Coastal National Park' designation	The Minister is not minded to amend the draft Plan	This site scores low or poor in every category of the Suitability for Housing Assessment. We agree that its remote location makes it unsuitable for development. <b>Recommendation: that the Minister does not amend the Plan.</b>
B11	DP42 DP67	The Biarritz Hotel, St Brelade	Objection to Coastal National Park designation	The Minister is not minded to amend the draft Plan	<b>Recommendation: for the reasons set out in Volume 1, Chapter 4, that the Minister amends the Plan to remove the site from the Coastal National Park.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
B12	DP803	Villa Devereux, La Route Orange, St Brelade	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	On balance we accept the view of the Minister that this land currently provides a beneficial break in development along the southern side of La Route Orange. Despite the boundary wall, the open nature of the land is apparent from the trees and, of course, from the absence of buildings above the wall. Residential development would harmfully transform the appearance and character of this part of La Route Orange. <b>Recommendation: that the Minister does not amend the Plan.</b>
C1	DP1125	Field 125,La Grande Route De La Cote, St. Clement	Site put forward for housing	The Minister is not minded to amend the draft Plan	Development of this site would extend the BUA into open countryside contrary to the strategic aims of the Plan. We were surprised on our visit to note the small corner of the field containing no more than a timber stables building is proposed to be included in the BUA. This appears to be anomalous. <b>Recommendation: that the Minister does not amend the Plan to provide for housing on this site. The Minister should review the inclusion of the south east corner of the field within the BUA.</b>
C2	DP901	Field 128 & 127, Le Pont Close,La Rue Du Pontlietaut, St. Clement	Site put forward for housing	The Minister is not minded to amend the draft Plan	Development of this site would extend the BUA into open countryside contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
C3	DP1123	Field 151 St Clement	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	Development of this site would extend the BUA into open countryside contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
C4	DP1158	Field 190a,La Rue Graut, St Clement	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	As well as having a problematic access, inclusion of this site would extend the BUA into the countryside, representing an incipient form of ribbon development, contrary to the strategic aims of the Plan. We do not view the minor lane running northwards to the east of the site as a potential boundary to the BUA but rather we support the stronger definition afforded by the curtilage of the existing building to the west of the site. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
C5	DP1131	Fields 252 and 253 St Clement	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	We note that this site (le Quesne Nurseries) scores 'Good' on all 4 criteria for Suitability for Housing Assessment. We were advised of a scheme, together with adjacent land, that would include facilities for the village though we are not aware of the full details. Given the shortage of affordable housing, this site merits reappraisal. Should the sites proposed for deletion from Policy H1 not proceed, this site would provide an alternative. <b>Recommendation: that the Minister does not amend the Plan but that this site is considered for Category A housing should the need arise.</b>
C6	DP142 DP253 DP359 DP385 DP623 DP681 DP713 DP787 DP796 DP902	H1(3) Samares Nursery, La Grande Route de St Clement, St Clement (10 Acres)	Objection to Housing Site	Minister recommends deletion of Samares Nursery from the Draft Plan given opposition of the Constable and a petition	<b>Recommendation: for the reasons given in Volume1, Chapter 8 that the Minister should <i>not</i> delete the allocation of the site for Category A housing from the Plan.</b>
C7	DP351	SE corner of the Island	Request to designate as 'Coastal National Park'	The Minister is not minded to amend the draft Plan	<b>Recommendation: for the reasons we set out in Volume 1, Chapter 4, that the Minister does not amend the Plan.</b>
C8	DP1130	Slate House, La Grande Route de St. Clement, St. Clement	Site requested to be included within the 'BUA' for the purposes of developing an agriculture shed/store	The Minister is not minded to amend the draft Plan	This site does not form a natural part of the BUA but rather clearly forms part of the open countryside. Proposals for an agricultural shed/store could be assessed within the terms of Policy NE7. <b>Recommendation: that the Minister does not amend the Plan.</b>
G1	DP764	Coast Road Sea Views	Support for 'Shoreline Zone' designation	The Minister notes support for designation of the coast road along St Clements as Shoreline Zone.	<b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
G2	DP1101 DP253 DP379 DP38 DP387 DP482 DP787	H1(1) De La Mare Nurseries, Rue a Don, Grouville (2.5 acres/5.5 vergées)	Objection to Housing Site	The Minister is minded to increase the size of the site and carry out further consultation.	We are aware of the ongoing Court case and also of discussions regarding a compromise proposal. Our conclusions and recommendation are without prejudice to either. The site (which is one of the sites in Policy H1 of the IP) relates closely the existing BUA and may be treated as substantially previously developed. We note the TTS objection but do not feel that the location is remote from public transport and local services. We support the allocation in the Plan, and we agree that it should best be used for Category A housing. We note the Minister's intention to consult on extending the site northwards. We have not seen a plan showing the extent of this. We do not rule this out but urge caution in view of the potential effect on the Grouville Marsh SSI. It is however a matter for detailed consideration at the development control stage. <b>Recommendation: That the site remains in the Plan as a Category A housing site.</b>
G3	DP900	Field 155 Rue des Maltieres, Grouville	Site put forward for housing or a hotel complex	The Minister is not minded to amend the draft Plan	Development of this site would extend the BUA into open countryside contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan to provide for housing or a hotel complex on this site.</b>
G4	DP669 DP671 DP892	Field 263A, Grouville	1x Designate site as 'Safeguarded for Education Use', 1x Site put forward for housing, 1x Support for 'Protected Open Space' designation	The Minister is minded to amend draft Plan, at SCO1 and Proposals Map, to support further safeguarding of land for educational purposes in the following locations, where there is justifiable evidence of need: part of Field 263A, Grouville.	We heard clear evidence of an educational need to extend the school in the manner proposed. We see no basis for recommending any additional housing allocation. <b>Recommendation: that the Minister should amend the Plan as proposed.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
G5	DP721	Field 573, Grouville	Site put forward for Category A housing	The Minister is not minded to amend the draft Plan	Development of this site would extend the BUA into open countryside contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
G6	DP409 DP670	Netherlee, Le Chemin Des Maltieres, Grouville	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	In view of the extant permission to develop Field 184, we consider that the objection is well founded; it is incongruous to include the back garden to Netherlee within the Green Zone. <b>Recommendation: that the Minister amends the Plan to include this very small site - the entire curtilage of Netherlee, within the BUA.</b>
G7	DP1155	Panorama, Land to the South of, Les Fonds de Longueville, Grouville	Site put forward for housing & the rezoning of wider area into the 'Built up Area'.	The Minister is not minded to amend the draft Plan	The small group of houses around this site does not have the attributes of a BUA. It is well separated from any substantial area of development and lacks services and facilities. We see no basis for creating a new BUA zone here. The site's small size would limit any residential proposal here to a single dwelling and any such application should be considered on its merits having regard to the characteristics of the immediate surroundings and in the light of relevant policies including NE7. <b>Recommendation: that the Minister does not amend the Plan.</b>
G8	DP717	Rainbow Nurseries, Rue de Tapon, Grouville	Site put forward for housing	The Minister is not minded to amend the draft Plan	The scope of Policy ERE 7 regarding redundant glasshouses is discussed In Volume 1, Chapter 7. This pair of sites is remote, served by narrow lanes well away from any BUA. Accordingly their development for housing would be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
G9	DP1148	The Grange & Field 730A, La Rue a Don, Grouville	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	We consider that this site is poorly related to the BUA and its development would be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
H1	DP356	Beaulieu Convent School, St Helier	Objection to 'Protected Open Space' designation	The Minister is not minded to amend the draft Plan as the matters raised are dealt with by the draft Plan.	This site has the attributes of POS. Any proposals for educational purposes affecting the land would fall to be considered in the light of Policy SCO4 and other relevant policies. <b>Recommendation: that the Minister does not amend the Plan.</b>
H2	DP778	Caesarean Tennis Club, Les Grand Vaux, St Helier, JE2 4NA	Site put forward for housing	The Minister is not minded to amend the draft Plan	This site – an active sports club - is proposed to be defined as protected open space as a result of an amendment proposed by the Minister. We agree that this site makes an active contribution to leisure facilities in the Island. Should it move at some time in the future to another site, then other considerations would apply, as the site lies within the BUA; but not at the present time. <b>Recommendation: that the Minister proceeds as intended.</b>
H3	DP788 DP805	H1(5) Part Field 1219, Grande Route de Mont a l'Abbe, St. Helier	Support for 'Safeguarded for Educational Use' designation.  Request to increase the size of the Cat A Housing Site to 50% of the field.	Minister minded to increase the size of the site zoned for housing (to be no larger than 50% of the field 1219) and carry out further consultation.	We see no problem with the Minister's intentions regarding this site (which is one of the sites in Policy H1 of the IP) subject to normal development control considerations and local consultation. <b>Recommendation: that the Minister proceeds as intended.</b>
H4	DP798	<del>Field 1248</del> , CTV Site, La Pouquelaye, St. Helier	Site put forward for housing as part of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	Inclusion of the CTV site within the BUA was not contentious. <b>Recommendation: that the Minister does not amend the Plan with respect to CTV site. For the reasons given in Volume 1, Chapter 1, we express no view regarding Field 1248.</b>
H5	DP897	Field 1341 and 1341a, Le Mont de la Trinite, St Helier	Site put forward for housing	The Minister is not minded to amend the draft Plan	This site projects high above its surroundings and is currently an open field. We found access to it difficult. We think that it would be a mistake to extend the BUA to take in this site as this could prompt conventional but potentially intrusive development proposals, on the skyline, which might then be difficult to resist. We are aware of a concept innovative scheme involving earth sheltered apartments set into the hillside. If progressed to a formal application, such a scheme would warrant consideration notwithstanding the Green Zone designation. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
H6	DP1099	Field 1368, St Helier (H3/2)	Site put forward for Category A housing	The Minister is not minded to amend the draft Plan	This is an open field standing a little above the road, some way out from the main built up extent of St Helier. We have some reservations regarding the location of this site for housing as it is separate from the main part of the BUA, but accept the Minister's recognition that it might be considered for Category A housing at some future time should the need arise. <b>Recommendation: that the Minister does not amend the Plan.</b>
H7	DP669	Field 1533, St Helier	Designate site as 'Safeguarded for Education Use'	The Minister is minded to amend the draft Plan, at SCO1 and the Proposals Map, to support the further safeguarding of land for educational purposes in the following locations, where there is justifiable evidence of need: part of Field 263A, Grouville; part of Field 782, St. Ouen; part of Field 1533, St. Helier. The Minister is not minded to amend the draft Plan in relation to: Rouge Bouillon Fire and Police HQ; Field 327A, St Martin.	We accept the Minister's intentions in respect of Field 1533. <b>Recommendation: that the Minister proceeds as intended with regard to this field.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
H8	DP855	Field 1534, Tower Road, St Helier	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	<p>This site was subject to an oral session at the EiP and we are aware that it was expressly considered by the Minister prior to preparation of the Plan. The main area sits somewhat from the road, reached by a lengthy grass strip. The IP includes it at the southern end of a swathe of Green Zone forming a wedge of undeveloped land projecting into St Helier. We do not question that zoning as a whole (far from it) however, having looked carefully on the ground and listened to both sides of the debate, on balance we consider that this particular parcel of land relates more strongly to the Green Backdrop Zone that largely encloses it than it does to the Green Zone. <b>We recommend that the Minister rezones the site on the Proposals Map as Green Backdrop Zone.</b> This would make any proposal for development subject to consideration under Policy BE3, which we consider would adequately safeguard understandable concerns regarding its elevated (though we have to say not prominent) location. If the Minister disagrees, then in the <b>alternative we recommend that the entranceway strip at any rate would be more appropriately included within the BUA.</b></p>
H9	DP1149	Field 1550, Westmount Road, St Helier	Site put forward for housing, removal of 'protected open space' designation	The Minister is not minded to amend the draft Plan	<p>We visited this site on two occasions and also viewed it from elsewhere in St Helier. The issues are not clear cut. We consider that the exclusion of this and adjacent land from the BUA to be illogical as the locality is entirely within the urban extent of St Helier. Conversely, its location on the escarpment makes this a sensitive location where development has the potential to be intrusive. On balance we consider that it would be premature to consider allocating the site for housing but rather it warrants designation as Protected Open Space. It may be that at a future review of the Plan some limited Category A housing development along the road frontage could be considered, taking into account any impact that results from the currently proposed development on the quarry below. <b>Recommendation: that the Minister extends the BUA to include this site but also designates it as POS.</b></p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
H10	DP794	Fields 1551 & 1552, Westmount Road, St Helier	Site put forward for housing with the extension of the 'Built up Area' to include site	The Minister is not minded to amend the draft Plan	We visited this site on two occasions and also viewed it from elsewhere in St Helier. The issues are not clear cut. We consider that the exclusion of this and adjacent land from the BUA to be illogical as the locality is entirely within the urban extent of St Helier. Conversely, its location on the escarpment makes this a sensitive location where development has the potential to be intrusive. On balance we consider that it would be premature to consider allocating the site for housing but rather it warrants designation as Protected Open Space. It may be that at a future review of the Plan some limited Category A housing development along the road frontage could be considered, taking into account any impact that results from the currently proposed development on the quarry below. <b>Recommendation: that the Minister extends the BUA to include this site but also designates it as POS.</b>
H11	DP965	Gas Holder, St Helier	Amend, zone site as a 'Safety Zone for Hazardous Installations'	The Minister is minded to amend the plan	We agree. <b>Recommendation: that the Minister proceeds as intended.</b>
H12	DP985	Harbour's Regeneration Zones	Combine Harbours Regeneration Zones	The Minister is not minded to amend the draft Plan	We were advised that Jersey Harbours and the Minister had reached agreement on this aspect of the IP. <b>Recommendation: that the Minister does not amend the Plan.</b>
H13	DP264 DP799	La Collette Area, St Helier	Amend, remove 'Provision and Enhancement of Open Space' designation	Minister minded to amend Plan	<b>Recommendation: for the reasons given in Volume 1, Chapter 9, that the Minister amends the Plan.</b>
H14	DP569	Retail Expansion Area	Objection to 'Retail Expansion Area' designation	Concerns noted by Minister but minded not to amend Plan	<b>Recommendation: for the reasons given in Volume 1, Chapter 6, that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
H15	DP141	Seafield House, La Route De St. Aubin	Objection to 'Protected Open Space' designation	The Minister is not minded to amend the draft Plan	<p>This site comprises a sizeable private garden, fully enclosed from public view and inaccessible other than by arrangement with the owners. It is effectively separate from the main grounds to Seafield House and we were advised that it has been excluded from the SSI designation. Accordingly we consider that it falls outside the intended scope of Policy SCO4 and that the POS designation should be removed from the Plan. This conclusion does not carry with it any implied presumption regarding the suitability or otherwise of any part of the land for development. Any proposal would need to be considered carefully in relation to any impact on the adjacent SSI to its west. <b>Recommendation: that the POS designation should be removed from the area of land to the east of Seafield House, which has been excluded from the SSI.</b></p>
H16	DP1143	Sunnymeade, Le Mont Cochon, St Helier	Site put forward for housing & the rezoning of wider area into the 'Built up Area'.	The Minister is not minded to amend the draft Plan	<p>Notwithstanding the development in train opposite, we consider that the suggested locality of sporadic development lacks the attributes of a BUA but would rather extend St Helier into the adjacent countryside contrary to the strategic aims of the Plan. Development on the site would fail to comply with the spatial strategy of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b></p>
J1	DP1139	East Grove, La Route du Mont Mado, St John	Site put forward for housing	The Minister is not minded to amend the draft Plan	<p>This small, gravel surfaced parking area lies outside a well defined edge to the BUA; although not widely visible, development here would be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b></p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
J2	DP382	Field 125 St John	Objection to Coastal National Park designation	The Minister is not minded to amend the draft Plan	<p>Representations from Jersey Kart and Motor Club directed to aspects of the 2002 Plan are not for us to consider. We were advised by the Minister that at the time of the EiP a planning application was pending with respect to the Loop Road and the land it encloses (see J10 below). We express no view regarding that. Field 125 and the access road leading to the Loop Road lie just within the proposed CNP.</p> <p><b>Recommendation: for the reasons given in Volume 1, Chapter 4, that the Minister does not amend the Plan.</b> In Volume 1 we endorse the approach in the IP to define the CNP based on Character Areas as described in the CCA (Doc BT12). This provides a sound basis for defining the Park and the inclusion of Field 125 is consistent with this approach. We also commented on Policy NE6 directed to the CNP. If our recommendations not to amend the boundary here, nor to amend the Policy, are accepted then any future planning application concerning Field 125 (following adoption of the Plan) would fall to be considered having regard to the CNP location, Policy NR6 and other material considerations.</p>
J3	DP953	Field 224, St John	Request to designate site for allotment use	The Minister is not minded to amend the draft Plan	<p>We consider that it would be inappropriate to designate this site for allotment use on the basis of the information before us and bearing in mind Policy SCO6. We note that the Parish of St John Working Party is considering the provision of allotments amongst other matters. We consider that any provision should be addressed via the Village Plan.</p> <p><b>Recommendation: that the Minister does not amend the Plan.</b></p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
J4	DP981	Field 230/230A & Field 613, St John	Site put forward for housing and community hall	The Minister is not minded to amend the draft Plan	Development of either of these fields would be contrary to the strategic aims of the Plan, resulting in development extending onto green fields. However, in the event of a Village Plan being prepared for St John in accordance with Proposal 14 and Policy H5, Field 230/230A might be considered as one option for development of affordable housing to meet local needs. We were unconvinced by the proposal for a multi purpose hall for island sports on field 613, this is too remote a location for facilities more than those to meet local needs. <b>Recommendation: that the Minister does not amend the Plan.</b>
J5	DP45 DP954 DP1184	Field 236 & 237, St. la Rue du Cimenterie, St. John	1x Amend zoning from 'Built up Area' to Protected Open Space, 1x Site put forward for housing, 1x Support for Green Zone designation	Minister minded to amend error on hardcopy version of proposal map as published on 26th September 2009	Sites J5 and J6 are interrelated. Here we deal with the issue of whether these two fields should be designated as POS within the BUA. We understand that this was the intention of the Minister but in error the POS notation was not shown on the Proposals Map. In our assessment these two fields provide worthwhile open space within the settlement warranting their designation as POS in the same way as the field immediately to their east. <b>Recommendation: that the Minister proceeds as intended.</b>
J6	DP361	Field 236, St. la Rue du Cimenterie, St. John	Site put forward for Category A housing	The Minister is not minded to amend the draft Plan	As indicated above we support the Minister's intention to designate this field (along with Field 237) as POS, Should a future need for Category A housing to meet local needs, this site might be considered as one option under Proposal 14 and Policy H5 via a Village Plan. Any such proposal would then need to be weighed against the criteria in Policy SCO4 and other relevant policies. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
J7	DP386 DP807 DP951	Field 525, St John	Designate site as 'Safeguarded for Education Use'	The Minister is minded to accept proposal to safeguard western part (up to 2,500 sqm) of F.525 for educational purposes to enable the provision of school playing field facilities and would be minded to support an amendment of the Plan. The Minister is not minded to accept proposal to safeguard land for the purposes of facilitating car-borne access to the site and additional car parking.	We agree. <b>Recommendation: that the Minister proceeds as intended.</b>
J8	DP955	Fields 676 and 677, St John	Support for 'Protected Open Space' designation	The Minister notes the support for proposals map zoning	<b>Recommendation: that the Minister does not amend the Plan.</b>
J9	DP381 DP378 DP625	Homestead, La Rue De L'Etocquet, St. John	Site put forward for housing as an extension of the 'Built up Area'	The Minister is not minded to amend the draft Plan	Development of this site would extend the BUA into open countryside contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
J10	DP411	Loop Road, St. John	Objection to Coastal National Park designation	The Minister is not minded to amend the draft Plan	<p>Representations from Jersey Kart and Motor Club directed to aspects of the 2002 Plan are not for us to consider. We were advised by the Minister that at the time of the EiP a planning application was pending with respect to the Loop Road and the land it encloses. We express no view regarding that. Field 125 and the access road leading to the Loop Road (see J2 above) lie just within the proposed CNP.</p> <p>The Loop Road we note lies just outside the defined CNP (within Green Zone). There is nothing about the character of this locality, outside the proposed CNP, to suggest that it should be zoned as other than part of the Jersey countryside. We find no reason to recommend any change to the zoning. We comment in Volume 1, Chapter 4, on the Green Zone and Policy NE7. If our recommendations are accepted, any future planning application regarding the Loop Road would fall to be considered having regard to the Green Zone location, Policy NE7 and other material considerations. <b>Recommendation: that the Minister does not amend the Plan.</b></p>
J11	DP716	Old Garden, Blair Adam House, Les Chenolles, St. John	Site put forward for housing	The Minister is not minded to amend the draft Plan	<p>The development of this site would be contrary to the strategic aims of the Plan. It is remote and poorly related to services. <b>Recommendation: that the Minister does not amend the Plan.</b></p>
J12	DP952	St Johns Recreation Centre	Objection to 'Protected Open Space' designation	The Minister is not minded to amend the draft Plan	<p>Designation as POS within the BUA would not inhibit the intended community uses of this land. <b>Recommendation: that the Minister does not amend the Plan.</b></p>
L1	DP793	Bienvenue Farm, La Grande Route de St Laurent, St Lawrence	Site put forward for housing	The Minister is not minded to amend the draft Plan	<p><b>Recommendation: for the reasons given in Volume 1, Chapter 7, that the Minister does not amend the Plan but that the site may be considered in a future review for the possible extension of light industrial use if required.</b></p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
L2	DP1146	Field 79, Broadfield Vineries, Les Chanolles De Six Rues, St Lawrence	Site put forward for housing & the rezoning of wider area into the 'Built up Area'.	The Minister is not minded to amend the draft Plan	This relatively isolated locality, loosely developed, much of it by glasshouses, does not have any of the attributes of a BUA and the site proposed for housing is remote and contrary to the Strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
L3	DP253 DP377 DP624 DP787 DP844	H1(2) Glasshouse Site, Field 114, Le Passage, Carrefour Selous, St Lawrence (1.5 Acres)	Objection to Housing Site	Minister recommends the deletion of Cooke's Nursery from the Draft Plan given opposition of the Constable.	<b>Recommendation: for the reasons in Volume 1, Chapter 8, the Minister should confirm his deletion of the allocation of this site for Category A housing.</b>
L4	DP980	Field 873, Bel Royal, St Lawrence (0.9 acres/ 2.0 vergées)	Support for 'Other Category A Housing' designation	Support is noted by the Minister	<b>Recommendation: that the Minister does not amend the Plan.</b>
L5	DP1114	La Maison Des Pointes, Le Mont Cambrai, St Lawrence	Site requested to be zoned as 'Built up Area'	The Minister is not minded to amend the draft Plan	Notwithstanding any designation in the 2002 Plan, none of this immediate locality has the attributes of a BUA. The Proposals Map does not therefore differentiate between this site and the neighbouring properties. <b>Recommendation: that the Minister does not amend the Plan.</b>
L6	DP1152	La Maisonette, La Rue De Haut, St Lawrence	Site put forward for housing as an extension of the 'Built up Area'	The Minister is not minded to amend the draft Plan	This site is already partly developed residentially and adjacent to the BUA as defined by the Draft Plan. Bearing in mind the existing pattern of development, in all the particular circumstances we consider that the BUA boundary would be more appropriately drawn to include this site. This would not be contrary to the strategic aims of the Plan. It was indicated to us that the site might be suitable for one further dwelling. Any such proposal would need to be sensitively designed with regard to the rising ground. <b>Recommendation: that the Minister amends the BUA to take in this very small site - the curtilage of La Maisonette, La Rue De Haut.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
L7	DP585	La Providence, St Lawrence	Amend zoning boundary extents	<p>The Minister is minded to amend the draft Plan to address minor anomalies and inconsistencies, as follows: (a) the lawned play area sites and the southernmost car park (intended in large part to serve the wider community / public amenity area) should be excluded from the built-up area and included in the Green Zone and the Protected Open Space designation; (the other 2 car parking areas and community building site should remain in the built-up area); (b) the track and the landscaped areas to the west of the community building site should be excluded from</p>	<p>We agree with all these proposals which essentially are designed to tidy up the designations in this area. <b>Recommendation: that the Minister proceeds as intended.</b></p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
				<p>the built-up area and included in the Green Zone; (c) to the west of the housing site part of the landscaped peripheral amenity areas and a large part of the landscaped berm has been included in the built-up area. This area should be excluded from the built-up area and included in the Green Zone and the Protected Open Space designation. (d) Field 862 should be designated as Protected Open Space as well as Green Zone.</p>	
L8	DP979	Magnolia Gardens/St. Matthews Church, St Lawrence	Support for 'Protected Open Space' designation	Support is noted by the Minister	<b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
L9	DP32	The Gables, La Vallee de St. Pierre, Le Chemin des Mielles, St Lawrence	Site put forward for housing as an extension of the 'Built up Area'	<p>1. The Minister is minded to reject extending the boundary of the 'Built up Area' to include 'The Gables'. 2. The Minister is minded to amend the draft Plan to address minor anomalies and inconsistencies, as follows: (a) the lawned play area sites and the southernmost car park (intended in large part to serve the wider community / public amenity area) should be excluded from the built-up area and included in the Green Zone and the Protected Open Space designation; (the other 2 car parking areas and community building site should remain in the built-up</p>	<p>Notwithstanding existing buildings and greenhouses on the east of this site, there is a reasonably clear demarcation between the existing BUA and adjacent Green Zone (including the POS designation). The extension of the BUA boundary at this location would therefore be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b> (The Minister's second point here refers to site L7)</p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
				<p>area); (b) the track and the landscaped areas to the west of the community building site should be excluded from the built-up area and included in the Green Zone; (c) to the west of the housing site part of the landscaped peripheral amenity areas and a large part of the landscaped berm has been included in the built-up area. This area should be excluded from the built-up area and included in the Green Zone and the Protected Open Space designation. (d) Field 862 should be designated as Protected Open Space as well as Green Zone.</p>	

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
L10	DP22 DP241 DP254 DP340 DP341 DP342 DP699 DP802	Thistlegrove Extension, St Lawrence	7x Objection to 'Light Industrial and Warehousing' designation, 1x Site put forward for Light Industrial use	The Minister is not minded to amend the draft Plan	<b>Recommendation for the reasons given in Volume 1, Chapter 7, that the Minister should not amend the Plan.</b>
MN1	DP971	Alsmeer, La Route de la Maufant St Martin	Site put forward for housing	The Minister is not minded to amend the draft Plan	Notwithstanding a small cluster of development, the locality is very remote, strongly rural in character and correctly included within the Green Zone. Housing development would be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
MN2	DP629	Field 652a, & Cornfields, La Grande Route de Faldouet St. Martin	Site put forward for housing & the rezoning of wider area into the 'Built up Area'.	The Minister is not minded to amend the draft Plan	Notwithstanding a small cluster of development, this rural locality falls short of having the attributes of a BUA. Housing development and rezoning the locality as BUA would each be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
MN3	DP792	Field 681, La Rue Bauchauderie, St Martin	Site put forward for housing as an extension of the 'Built up Area'	The Minister is not minded to amend the draft Plan	This small parcel of land is outside the built up extent of Maufant, clearly defined by roads. Development would extend into open countryside contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
MN4	DP795	Hougemont La Rue D'aval, St. Martin	Site put forward for housing as an extension of the 'Built up Area'	The Minister is not minded to amend the draft Plan	Development of this site would encroach into open countryside; accordingly extending the BUA to include the site would be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
MN5	DP715	Land Adj Field 715 La Rue Des Cabarettes, St. Martin	Site put forward for housing	The Minister is not minded to amend the draft Plan	We consider that this site is poorly related to the BUA and its development would be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
MN6	DP654	Queruee Lodge, Rue du Huquet, St Martin	Site put forward for housing	The Minister is not minded to amend the draft Plan	<p>This proposal is very different from others before us: it is for a health facility for the Elderly Mentally Infirm. There was considerable sympathy for the aims of this proposal from all present. The site, however, is not well located in relation to the strategic policies of the Plan; it would extend development into open countryside and is not close to any main urban area. It was suggested at the EiP that consideration be given to a possible amendment to Policy SCO2 to allow for exceptions to policy based on special need. We address and support this in Volume 1.</p> <p><b>Recommendation: that the Minister does not amend the zoning for this site in the Plan but gives consideration to amending Policy SCO2 as set out in Volume 1.</b></p>
MN7	DP1195	Le Mourin Vineries, St Saviour	Site put forward for housing	The Minister is not minded to amend the draft Plan	<p>Although this large site relates reasonably well to the existing established settlement of Maufant, the development of this land would represent a considerable extension of the BUA into open countryside. We also note that there is a restoration condition attached to the glasshouses requiring their removal should they fall into disuse or disrepair. We see no basis for allocating the land for housing at present; however as the Minister recognises the site does have "a number of attributes that raise the suitability of the site for the provision of Category A housing". We accept this point, bearing in mind the accessibility to services and facilities (even though it is less closely related to the main BUA of St Helier than some other sites) – and conclude that it might be considered at some future time for Category A housing should the need arise.</p> <p><b>Recommendation: that the Minister does not amend the Plan.</b></p>
MY1	DP762	Field 502 and St Marys Village Open Space	Support for 'Protected Open Space' designation	The Minister notes the support for the designation of F498 and land around the Church as protected open space	<p><b>Recommendation: that the Minister does not amend the Plan.</b></p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
MY2	DP237 DP763	Field 502, St. Mary	Support for 'Built up Area' zoning extents. Support for 'Protected Open Space' designation.	Support is noted by the Minister	<b>Recommendation: that the Minister does not amend the Plan.</b>
O1	DP349	Field 616/617, St Ouen	Amend, zoning to 'Built up Area'	Minister is Minded to amend	We agree. <b>Recommendation: that the Minister proceeds as intended.</b>
O2	DP887 DP1082 DP1132DP1171	Field 622 Clos De La Croute, St Ouen	3 supporting, 'Green Zone' designation.  Site put forward for 'Sheltered' housing	The Minister is not minded to amend the draft Plan	It is appropriate that this site is included in the Green Zone for the reasons the Minister gave. However, it relates well to the village and in the event of the preparation of a Village Plan under Proposal 14 and Policy H5, it might provide a suitable site for consideration for affordable housing to meet local needs. <b>Recommendation: The Minister does not amend the Plan.</b>
O3	DP780	La Rue des Grantez, BUA Extension St Ouen	Site put forward for housing & the rezoning of wider area into the 'Built up Area'.	The Minister is not minded to amend the draft Plan	This small, relatively isolated locality does not have any of the attributes of a BUA and the site which was proposed for housing is remote and contrary to the Strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
O4	DP669	Field 782, St Ouen	Designate site as 'Safeguarded for Education Use'	<p>The Minister is minded to amend the draft Plan, at SCO1 and the Proposals Map, to support the further safeguarding of land for educational purposes in the following locations, where there is justifiable evidence of need: part of Field 263A, Grouville; part of Field 782, St. Ouen; part of Field 1533, St. Helier. The Minister is not minded to amend the draft Plan in relation to: Rouge Bouillon Fire and Police HQ; Field 327A, St Martin.</p>	<p>We agree. <b>Recommendation: that the Minister proceeds as intended.</b></p>
O5	DP1145	Field 783 & 785, La Route De Millais, St Ouen	Site put forward for housing as either 'Built up Area' or Category A housing	The Minister is not minded to amend the draft Plan	<p>Development on this site would extend the BUA into open countryside contrary to the strategic aims of the Plan. We note, of course, that it is close to Field 785, allocated for development under Policy H1. In our view the scoring for Field 785 in the Suitability for Housing Assessment document is perhaps somewhat generous, but even so a clear distinction can be made between the two sites. The allocated site is better integrated within the existing</p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
					settlement; Field 783 plainly lies outside the settlement. <b>Recommendation: that the Minister does not amend the Plan.</b>
O6	DP24 DP253 DP777 DP787	H1(5) Glasshouse Site, Field 785, La Rue des Cosnets, St Ouen	2x Concerns relating to the design of the future housing scheme. 2x Support for housing site	Noted by the Minister	We have heard or read nothing sufficient to call into question the principle of housing on this site (which is one of the sites identified in Policy H1 of the IP). Respondents raise several material concerns regarding aspects of any development which plainly warrant careful consideration at the development control stage. <b>Recommendation: that the Minister does not amend the Plan.</b>
O7	DP801	Le Mont Matthieu, BUA Extension St Ouen	Site put forward for housing	The Minister is not minded to amend the draft Plan	This small, relatively isolated locality does not have any of the attributes of a BUA and the site which was proposed for housing is remote and contrary to the Strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
O8	DP768 DP455	North Coast	Request to designate as 'Coastal National Park'	The Minister is not minded to amend the draft Plan	<b>Recommendation: for the reasons we set out in Volume 1, Chapter 4, that the Minister does not amend the Plan.</b>
O9	DP253	Plemont Bay Holiday Village, St Ouen	Request to return site to natural land/open space	The States have rejected the proposal to purchase the Plemont site	<b>Recommendation: for the reasons we set out in Volume 1, Chapter 4, that the Minister does not amend the Plan.</b>
O10	DP368	Val de la Mare Reservoir, St Ouen	Objection to Coastal National Park designation	The Minister is not minded to amend the draft Plan	<b>Recommendation: for the reasons we set out in Volume 1, Chapter 4, that the Minister does not amend the Plan.</b>
O11	DP1189	Field 1519, La Rue de la Ville au Neveu, St Ouen	Site put forward for housing	The Minister is not minded to amend the draft Plan	The development of this site would represent an extension of a small hamlet, which does not itself amount to a BUA. Accordingly the development would encroach, across the road, into open countryside contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
O12	DP1034	Field 1037, St Ouen	Site put forward for housing	The Minister is not minded to amend the draft Plan	At the outset we record that initially we had been misinformed as to the precise location of this site, however we are familiar with and have walked across the correctly intended site and our conclusions are based on that area of land. The location scores poorly or low on all categories in the Suitability for Housing Assessment: it is a greenfield site, remotely located in the countryside well outside any major BUA. <b>Recommendation: that the Minister does not amend the Plan.</b>
P1	DP11	Airport Regeneration Zone	Amend, 'Airport Regeneration Zone' to airport land only	The Minister is minded to amend the draft Plan to revise the boundary of the Jersey Airport Regeneration Zone	We agree, see Volume 1, Chapter 6. <b>Recommendation: that the Minister proceeds as intended.</b>
P2	DP903	Field 1027, La Route De Beaumont, St Peter	Site put forward for housing and southern part of land for a new traffic gyratory system.	The Minister is not minded to amend the draft Plan	Development on this site would extend the BUA into open countryside contrary to the strategic aims of the Plan. The emerging JSTP does not, so far as we can see, include a scheme reliant on the land for highway works, but any such proposals would need to be taken forward for consideration by the relevant Ministers and the States. <b>Recommendation: that the Minister does not amend the Plan.</b>
P3	DP1122	Field 189, Rue D'eglise, St. Peter	Site put forward for housing	The Minister is not minded to amend the draft Plan	This somewhat elevated site on the periphery of the village does not immediately suggest a suitable location for development. However, should a local need be demonstrated for housing for retirement homes or other affordable provision, this could be addressed through Proposal 14 and Policy H5 via a Village Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
P4	DP1121	Field 287, St. Peter	Site put forward for over 55s housing	The Minister is not minded to amend the draft Plan	This site is remote from the BUA and has no special attributes that would warrant its allocation for housing. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
P5	DP253 DP787	H1(7) Field 633, La Verte Rue, St Peter	Support for all designated housing sites	Support is noted by the Minister	<b>Recommendation: that the Minister does not amend the Plan.</b>
P6	DP43 DP243 DP244 DP245 DP246 DP248 DP249 DP250 DP251 DP252 DP866	Field 641 St Peter	Objection to 'Built up Area' designation	The Minister is not minded to amend the draft Plan	On balance we agree with the objectors. Although this small area of land was designated as BUA in the 2002 Plan, we consider that it does not meet the criteria for BUA being applied in the Draft 2009 Plan in accordance with the Island Strategic Plan. The obvious boundary to the BUA here is the Rue De La Pointe, leaving the small cluster of long -standing buildings immediately to the north standing in designated Green Zone. We also note the repeated refusals of applications for housing on the site. <b>Recommendation: The Minister should amend the Plan to remove this site from the BUA and include within Green Zone.</b>
P7	DP146	Field 739 St. Peter	Site put forward for Category A housing	The Minister is not minded to amend the draft Plan	We consider that this site is poorly related to the BUA and its development would be contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
P8	DP1142	Field 797, St Peter	Site put forward for housing	The Minister is not minded to amend the draft Plan	This site does not form a natural extension to the BUA but rather development here would not sit comfortably with the main framework of the village. Should there be a need for affordable housing to meet local needs we consider that there is a more suitable site in the vicinity (see P10 below). <b>Recommendation: that the Minister does not amend the Plan.</b>
P9	DP720	Field 803, St Peter	Site put forward for housing	The Minister is not minded to amend the draft Plan	This site lies outside the established and well defined edge to the BUA; accordingly development here would be contrary to the strategic aims of the Plan. Although not a determinative issue in itself, the site's location within the Airport Noise Zone 3 is a further factor to be taken into account. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
P10	DP800	Field 888, St Peter (Site H3-10)	Site put forward for Category A housing	The Minister is not minded to amend the draft Plan	<p>It is appropriate that this site is included in the Green Zone for the reasons the Minister gave. However, it relates well to the village and in the event of the preparation of a Village Plan under Proposal 14 and Policy H5, it might provide a suitable site for consideration for affordable housing to meet local needs. The Constable advised us of his general support, provided the outcome met local needs in perpetuity. There is evident benefit in considering this site in conjunction with the adjacent Avis site to its north.</p> <p><b>Recommendation: The Minister does not amend the Plan.</b></p>
P11	DP408	Jersey Steel, La Rue Du Craslin, St Lawrence	Amend, zone site as a 'Protected Industrial Site'	The Minister is minded to correct an error on the Proposals Map to identify the site of Jersey Steel as being subject to Policy EIW2: protection of Existing Industrial Sites	<p>We agree. <b>Recommendation: that the Minister proceeds as intended.</b></p>
P12	DP39	Simon's Sand And Gravel	Objection to Simons Gravel Pits as a possible landfill site	The Minister is not minded to amend the draft Plan	<p><b>Recommendation: for the reasons we set out in Volume 1, Chapters 11 &amp; 12, that the Minister does amend the Plan.</b></p>
S1	DP441	Douro Terrace, St Saviour	Objection to 'green zone' designation	The Minister is not minded to amend the draft Plan	<p>This is an issue of very fine detail. We note and accept that in some circumstances it may be entirely appropriate to include a building within a BUA but some of its curtilage within adjacent Green Zone. On balance, In the particular case of 5 Douro Terrace we consider that the subdivision is not justified. Having looked carefully on the ground we have concluded that garden lying east of the terrace forming the garden of No 5 should be included within the BUA. We have no doubt that all the undeveloped land to the south of the road in front of the terrace, and its extension to the east, has rightly been included within the Green Zone. There is a clear distinction in character between the two parcels of land. Any</p>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
					proposal for development within the garden to No 5 would need to be assessed very carefully with regard to its impact on the terrace and the wider locality. <b>Recommendation: that the Minister amends the Plan to include the garden of 5 Douro Terrace within the BUA as described above.</b>
S2	DP1151	Fields 341 & 342, Clos De La Pommeraiie, La Rue De Deloraine, St Saviour	Site put forward for housing as an extension of the 'Built up Area'	The Minister is not minded to amend the draft Plan	The site lies outside the BUA to its south, but has the school to its west and some, albeit limited, development to its north and east. Whilst we do not see a reason to recommend a change to the Plan at present, in the event of a future unmet need for Category A housing this site might warrant consideration. <b>Recommendation: that the Minister does not amend the Plan.</b>
S3a	DP672	Field 530, Princes Tower Road, St Saviour	Site put forward for housing	The Minister is not minded to amend the draft Plan	This site scores well on spatial strategy, suitability and landscape sensitivity in the Suitability for Housing Assessment. It scores 'poor' for use being undeveloped land. However, it is or shortly will be largely surrounded by residential development on three sides, this together with its topography and location make it possible candidate for Category A housing development. Assuming that the other major sites which we are recommending for Category A housing proceed, we do not see the need to recommend an amendment to the Plan with respect to this site. We understand, however, that it is intended to prepare a Local Plan for the Five Oaks area, including this locality. In preparing that Plan we suggest that the Minister should take into account that at some point in the future this site is likely to offer the opportunity to provide for Category A housing to meet future needs. The relationship between the southern part of the site and the countryside beyond would need to be addressed in any detailed design and layout. <b>Recommendation: that the Minister does not amend the current Plan but that this site might be considered for Category A housing at a future date should the need arise.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
S3b	DP779	Field 530a, Princes Tower Road, St Saviour	Site put forward for housing as an extension to the 'Built up Area'	The Minister is not minded to amend the draft Plan	We have been made aware of history of recent proposals for this site and the associated dairy site to its north. In the light of this, our view is that it is undesirable to exclude the relatively small rearward area of land in order to concentrate built development solely on the dairy site itself. We think that a holistic approach to the combined areas offers scope for a better scheme, which takes into account the relationship to the open land beyond. We fear that a constrained development on the northern part of the former dairy land might ultimately lead to a less optimum outcome for the combined areas which fails to respect the environs of the site. <b>Recommendation: that the Minister amends the Plan to include Field 530a within the BUA .</b>
S4	DP712	Field 588 / 589 (Clinique Pinel), St Saviour	Request to designate site as 'Protected Open Space'	The Minister is not minded to amend the draft Plan	The location and role of this modest size parcel of land alongside the Clinique Pinel does not justify the safeguarding afforded by designation as POS. Any future development proposal, most likely to serve the clinic, would need to be assessed on its merits. Were the principle to be established that parcels of land being well landscaped and maintained should therefore be designated as POS, this might discourage other land owners from acting in a similarly responsible way. <b>Recommendation: that the Minister does not amend the Plan.</b>
S5	DP1150	Fields 741 & 742, New York Lane, St. Saviour	Site put forward for housing as an extension of the 'Built up Area' or for Category A housing	The Minister is not minded to amend the draft Plan	<b>Recommendation: for the reasons given in Volume 1, Chapter 8, that the Minister does not amend the Plan but that subject to consultation and further investigation he considers the southern part of the site for Category A housing should the need arise in the future (to align with the northern edge of development on the adjacent Longueville Site if confirmed.)</b>
S6	DP655	Field 745, St Saviour	Site put forward for housing with the land re-zoned as 'Built up Area'	The Minister is not minded to amend the draft Plan	We consider that this site is plainly outside the BUA, with an exposed highly rural setting and poor access route. <b>Recommendation: that the Minister does not amend the Plan.</b>
S7	DP1116	Fields 756 & 756a, Palace Close, St. Saviour	Site put forward for housing	The Minister is not minded to amend the draft Plan	Development of this site would extend the BUA into highly exposed open countryside contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
S8	DP1038	Field 836, Bagot Road, St Saviour	Site put forward for housing for Category A (over 55s housing)	The Minister is not minded to amend the draft Plan	This site scores well on spatial strategy and suitability in the Suitability for Housing Assessment though not on the other categories. It could make no more than a small contribution to the Island's housing needs, but its development would extend the BUA into open countryside and in the process foreclose views out from the only significant gap on Bagot Road. For the present we consider that the public interest lies with retaining this open gap. <b>Recommendation: that the Minister does not amend the Plan.</b>
S9a	DP1157	Les Sapins, La Rue De Guilleamerie, St. Saviour	Site put forward for housing & the rezoning of wider area into the 'Built up Area'.	The Minister is not minded to amend the draft Plan	This small, relatively isolated locality does not have any of the attributes of a BUA and the site which was proposed for housing is remote and contrary to the Strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
S9b	DP1154	La Guilleaumerie, La Rue de la Guilleaumerie, St. Saviour	Site put forward for housing & the rezoning of wider area into the 'Built up Area'.		This small, relatively isolated locality does not have any of the attributes of a BUA and the site which was proposed for housing is remote and contrary to the Strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>
S10	DP253 DP396 DP662 DP787 DP789 DP797 DP890 DP1175 DP1187	H1(4)Longueville Nurseries, New York Lane, St Saviour (2.1 Acres/4.75 vergées)	Objection to Housing Site	Minister minded to support request to remove site from Plan.	<b>Recommendation: for the reasons given in Volume1 Chapter 8, that the Minister should <i>not</i> delete the allocation of the site for Category A housing from the Plan. The site should not be extended northwards from that shown on the Plan.</b>
S11	DP1188	Field 200, Rue du Vieux Menage, St Saviour	Site put forward for housing	The Minister is not minded to amend the draft Plan	This is a strongly rural site surrounded by open fields. Its development would be completely contrary to the strategic aims of the Plan. <b>Recommendation: that the Minister does not amend the Plan.</b>

EiP Site Ref	DP Refs	Address	Summary of Representation(s)	Minister Response	Inspectors Comment & Recommendation
T1	DP1055	Field 269, Trinity	Site put forward for housing	The Minister is not minded to amend the draft Plan	Field 269 scores badly on all categories in the Suitability for Housing Assessment. Development here would extend an already somewhat fragmented BUA into open countryside, in a locality that is very remote from any main urban area, all contrary to the strategic aims of the Plan. The impact would be exacerbated by the additional suggestion of extending development to Field 267. The presence of manholes on Field 269 does not justify its development. <b>Recommendation: that the Minister does not amend the Plan.</b>
T2	DP714	Part of Field 873, La Verte Rue, Trinity	Site put forward for housing	The Minister is not minded to amend the draft Plan	This is a relatively small parcel of land that remains following the attractive development of retirement homes to its north and west. Any further extension to include this site in order to meet local needs we see as falling within the scope of Proposal 14 and Policy H5 via the preparation of a Village Plan. <b>Recommendation that the Minister does not amend the Plan.</b>
T3	DP1159 DP1160	Field 1017a, La Rue Du Moulin Du Ponterrin, Trinity	Site put forward for housing as an extension of the 'Built up Area'.	The Minister is not minded to amend the draft Plan	Development of this site would extend the BUA of a very small village within the central part of the Island, contrary to the strategic aims of the Plan. <b>Recommendation that the Minister does not amend the Plan.</b>
T4	DP1100 DP771	Field 1404, Trinity (H4/19)	Site put forward for housing	The Minister is not minded to amend the draft Plan	The site is greenfield and outside the existing extent of the village. Although safeguarded for future housing needs (Policy H4) in the 2002 Plan, its allocation as part of the BUA would be contrary to the strategic aims of the 2009 Plan. However the site does relate reasonably well to Sion village and we understand that the St John's Working Party is considering a Plan for the area. In that context it might be that this site could be considered under Proposal 14 and Policy H5 for affordable housing to meet a local need. <b>Recommendation that the Minister does not amend the Plan.</b>
T5	DP1124	Trinity Grange, La Rue du Presbytere, Trinity	Site put forward for housing as an extension of the 'Built up Area'	The Minister is not minded to amend the draft Plan	This site comprises land associated with a house that has been seriously damaged by fire. We are sympathetic to the case for some limited development associated with rebuilding Trinity Grange. Subject to normal development control considerations, there may be scope on the road frontage included within the BUA. More than this, however, would extend the BUA into what is predominantly open land outside the main framework of the settlement contrary to the strategic aims of the Plan. <b>Recommendation that the Minister does not amend the Plan.</b>

