
STATES OF JERSEY



PLANNING AND ENVIRONMENT POLICY APPLICATION NE6: COASTAL NATIONAL PARK – CONSULTATION PAPER

**Presented to the States on 23rd May 2012
by the Minister for Planning and Environment**

STATES GREFFE

Policy application NE6 Coastal National Park

May 2012

Purpose and type of consultation

A Coastal National Park was designated in the 2011 Island Plan. This embraced all those parts of the Island that are of highly sensitive and valuable landscape quality, including St. Ouen's Bay, that are vulnerable to change and damage and which warrant the highest level of protection against development.

The new Island Plan also set out a new planning policy regime for the regulation of development in the National Park.

This advice note has been prepared to promote clarity and consistency in the application and uses of planning policy in the Coastal National Park, particularly in relation to those exceptional circumstances, provided for by policy, where new development may be permitted.

This consultation also seeks to gather people's views about whether the control of development should be tightened in the Coastal National Park by removing the ability of people to carry out certain works without the need for planning permission.

The Minister would like to hear the views of those interested in planning decisions affecting Jersey's most sensitive landscapes including land owners and residents in the Coastal National Park as well as developers, architects and heritage and environmental bodies.

Closing date: 06 July 2012

Summary

Parts of Jersey's coast and countryside are considered to be of national and international importance. The unique environment of St. Ouen's Bay, in particular, has long been recognised as a 'special place' and it, together with other parts of the Island's coast and countryside, have been identified as being of particular landscape value and sensitivity.

A Coastal National Park was designated in the 2011 Island Plan. This embraced all those parts of the Island that are of highly sensitive and valuable landscape quality, including St. Ouen's Bay, that are vulnerable to change and damage and which warrant the highest level of protection against development.

In designating a Coastal National Park explicit acknowledgement of the Park as a living landscape was made and clear recognition given to the impact of human intervention upon the evolution of the character of much Jersey's landscape.

Whilst recognising that there is considered to be no capacity to accommodate new development without adverse implications for landscape quality in much of the Coastal National Park there is, however, clear acknowledgement that there are many buildings and land uses within it and that it may be appropriate to permit some development.

This advice note has been prepared to promote clarity and consistency in the application and uses of planning policy in the Coastal National Park, particularly in relation to those exceptional circumstances, provided for by policy, where new development may be permitted.

The sensitivity and vulnerability of the landscape within the Coastal National Park is well-documented and the impact of change an issue of concern to many. In some parts of the National Park, where there is considered to be no capacity for change without undue harm to landscape character, even small changes can have an impact on sense of wilderness, isolation and remoteness. Because of this, the Minister for Planning and Environment proposes to review the permitted development rights that are available to all building types and land uses within the Coastal National Park in order that small-scale changes to property, that are presently unregulated, are brought within planning control.

As part of this consultation process, the Minister would like to test people's views on the principle of removing some permitted development rights in the Coastal National Park. If the principle is supported, specific changes would be the subject of further consultation.

Further information

The consultation can be viewed online at:
<http://www.gov.je/Government/Consultations>.

Printed copies are available on request from the Department of the Environment, South Hill, St. Helier.

Please send your comments to:

Kevin Pilley, Director of Policy, Projects and the Historic Environment
Planning and Building Services, South Hill, St. Helier, JE2 4US

How to contact us

Telephone 448441
Email k.pilley@gov.je
Fax 445528

This Consultation Paper has been sent to the following individuals/ organisations and will be presented to the States as an official Report:

Chairman, Environment Scrutiny Panel
 National Trust for Jersey
 Environment Section, Société Jersiaise
 Council for the Protection of Jersey's Heritage
 Jersey Farmers' Union
 RJA&HS
 Association of Jersey Architects
 Jersey Construction Council
 Chamber of Commerce
 Public Consultation Register

Supporting documents attached

Consultation draft advice note – Policy application: NE6 – Coastal National Park

Consultation response

A series of statements about the guidance are set out below, which may help with your response. Alternatively, you may submit any other comment that you wish to make on the content of this draft guidance note.

You may do this online at <http://www.gov.je/Government/Consultations> or you can print and submit the questionnaire to the address below.

1. This guidance is clearly written and is easy to understand.	Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
<i>Please give reasons for your answer</i>					
2. This structure of the guidance - which sets out four different forms of land use and development and then examines how the policy will be applied to each in turn – is clear and easy to use.	Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
<i>Please give reasons for your answer</i>					
3. This guidance is too long and repetitive.	Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
<i>Please give reasons for your answer</i>					

4. This guidance should not contain any information that can be found elsewhere e.g. it should not re-iterate Island Plan policy.	Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
<i>Please give reasons for your answer</i>					
5. The guidance is helpful in understanding how the exceptions to Policy NE6: Coastal National Park will be applied by the Minister.	Strongly agree	Agree	Don't know	Disagree	Strongly Disagree
<i>Please give reasons for your answer</i>					
6. The content of the guidance provides a useful supplement to the Island Plan.	Strongly agree	Agree	Don't know	Disagree	Strongly disagree
<i>Please give reasons for your answer</i>					
7. Small-scale changes to land and buildings that can be presently undertaken without the need for planning permission should be brought within planning control in the Coastal National Park.	Strongly agree	Agree	Don't know	Disagree	Strongly disagree
<i>Please give reasons for your answer</i>					

Please note that consultation responses may be made public (sent to other interested parties on request, sent to the Scrutiny Office, quoted in a published report, reported in the media, published on www.gov.je, listed on a consultation summary etc). If you have a particular wish for confidentiality please indicate this clearly when submitting a response.

- I agree that my comments may be made public and attributed to me
- I agree that my comments may be made public but not attributed (i.e.anonymous)
- I don't want my comments made public

If you agree to your comments being attributed to you, please provide your details below:

Name:	Organisation:
Address:	
	Email:

Other comments can be submitted in writing or by email to the address below.

If you or your organisation would like to discuss these proposals further, or would like more information, please contact Kevin Pilley, Director of Policy, Projects and the Historic Environment on 448441 or k.pilley@gov.je .

Policy and Projects Section
Department of the Environment
South Hill
St. Helier
JE2 4US

Deadline for consultation responses: 06 July 2012.

Draft for consultation

Policy application: NE6

Coastal National Park

May 2012

About supplementary planning guidance

The Minister for Planning and Environment may publish guidelines and policies (supplementary planning guidance) in respect of; development generally; any class of development; the development of any area of land; or the development of a specified site¹.

Supplementary planning guidance may cover a range of issues, both thematic and site specific, and provides further detail about either, policies and proposals in the Island Plan, or other issues relevant to the planning process. It can also be used to provide information about how the planning system operates.

Where relevant, supplementary planning guidance will be taken into account, as a material consideration, in making decisions.

Supplementary planning guidance is issued in a number of different forms including:

- **Advice notes**, which offer more detailed information and guidance about the ways in which Island Plan policies are likely to be operated, interpreted and applied in decision making;
- **Policy notes**, which can be issued by the Minister, following consultation with key stakeholders, in-between reviews of the Island Plan, to supplement and complement the existing planning policy framework;
- **Masterplans, development frameworks and planning briefs** provide more detailed information and guidance about the development of specific sites and areas of the Island; and
- **Practice notes**, which aim to provide information about how the planning system's protocols and procedures operate.

The current supplementary planning guidance is listed and can be viewed on the States of Jersey website at www.gov.je/planningguidance.

Hard copies of all supplementary planning guidance can be obtained from Planning and Building Services, Department of the Environment, South Hill, St Helier, JE2 4US, telephone: 01534 445 508 email: planning@gov.je

¹ Under Article 6 of the Planning and Building (Jersey) Law

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1 Introduction

- 1.1 Parts of Jersey's coast and countryside are considered to be of national and international importance. The unique environment of St Ouen's Bay, in particular, has long been recognised as a 'special place' and it, together with other parts of the Island's coast and countryside, have been identified as being of particular landscape value and sensitivity.
- 1.2 A Coastal National Park was designated in the 2011 Island Plan. This embraced all those parts of the Island that are of highly sensitive and valuable landscape quality, including St Ouen's Bay, that are vulnerable to change and damage and which warrant the highest level of protection against development.
- 1.3 In designating a Coastal National Park explicit acknowledgement of the Park as a living landscape was made and clear recognition given to the impact of human intervention upon the evolution of the character of much Jersey's landscape.
- 1.4 Whilst recognising that there is considered to be no capacity to accommodate new development without adverse implications for landscape quality in much of the Coastal National Park there is, however, clear acknowledgement that there are many buildings and land uses within it and that it may be appropriate to permit some development.
- 1.5 This advice note has been prepared to promote clarity and consistency in the application and uses of planning policy in the Coastal National Park, particularly in relation to those exceptional circumstances, provided for by policy, where new development may be permitted.

2 Status of this guidance

- 2.1 This supplementary planning guidance has been prepared in the context of the 2011 Island Plan and is the subject of consultation with the general public and interested parties. It is intended to complement the planning policy framework provided by the 2011 Island Plan and will be reviewed and amended in response to consultation.
- 2.2 Once adopted it will be a material consideration in the determination of planning applications: it may carry some weight, as a statement of Ministerial intent, in the meantime.

3 Who is the guidance for?

- 3.1 This guidance is for land owners and residents in the Coastal National Park as well as developers, architects and heritage and environmental bodies together with anyone else interested in planning decisions affecting Jersey's most sensitive landscapes. It will also be material to decision-makers.

4 Policy context

- 4.1 The policy context for the determination of planning applications in the Coastal National Park is provided by the 2011 Island Plan. This supersedes both the 2002 Island Plan as well as the St Ouen's Bay Planning Framework (1999).
- 4.2 The strategic policy framework of the 2011 Island Plan is of significance as it provides the context against which all other policies in the Plan are prepared including that which relates specifically to the Coastal National Park. And all of the strategic policies – not just SP4 which deals with the protection of the natural and historic environment – have some relevance and are required to be given consideration and weight in decisions affecting the Coastal National Park.

Particular consideration should be given to the following aspects of these policies, as follows:

Policy SP1: Spatial strategy

Development will be concentrated within the Island's Built-up Area...Outside the Built-up Area, planning permission will only be given for development:

1. appropriate to the coast or countryside;
2. of brownfield land, which meets an identified need, and where it is appropriate to do so;
3. of greenfield land, in exceptional circumstances, where it justifiably supports parish communities or the rural economy and which meets an identified need and where it is appropriate to do so.

Policy SP2: Efficient use of resources

Development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and pattern of sustainable development. In particular:

1. the proposed provision of new development, its spatial distribution, location and design should be designed to limit carbon emissions.

Policy SP3: Sequential approach to development

A sequential approach to an assessment of development proposals will be applied in support of a more sustainable pattern of development and the more efficient and effective use of land, energy and buildings.

In particular, a sequential approach will be applied to the assessment of planning applications for:

3. development where it is essential to provide a coast or countryside location based on a hierarchy of priorities of the Green Zone, followed by the Coastal National Park, together with the Shoreline and Marine Zones;
4. the re-use and/or redevelopment of land and buildings outside the Built-up Area in employment use based on a hierarchy of priorities in favour of its use within the economic sector for which permission was originally granted, followed by its use in support of the rural economy, with a presumption against its use or redevelopment for other uses.

Policy SP4: Protecting the natural and historic environment

A high priority will be given to the protection of the Island's natural and historic environment. The protection of the countryside and character types – which contribute to and define its unique character and identity, will be key material considerations in the determination of planning applications.

Policy SP5: Efficient use of resources

A high priority will be given to the maintenance and diversification of the economy and to support new and existing businesses,...in the following ways;

1. the protection and maintenance of existing employment land and floorspace for employment-related use.

Policy SP6: Reducing dependence on the car

Applications for development...must be able to demonstrate that they will reduce dependence on the private car...In particular, a proposal must demonstrate that;

1. that it is immediately accessible to existing or proposed pedestrian, cycle and public transport networks; and
2. it does not give rise to an unacceptable increase in vehicular traffic...;
3. it is well related to the primary road network.

Policy SP7: Better by design

All development must be of high design quality that maintains and enhances the character and appearance of the area in which it is located.

The various components of development will be assessed to ensure that the development proposed makes a positive contribution to the following urban design objectives:

- local character and sense of place.

- 4.3 The principal policy for the consideration of planning applications within the Coastal National Park is provided by Policy NE6.

Policy NE 6

Coastal National Park

The Coastal National Park, as designated on the [Proposals Map](#), 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.

The Minister for Planning and Environment recognises that there are existing buildings and land uses within the Coastal National Park and there will be a strong presumption against their redevelopment for other uses; their extension; and the intensification of their use.

Exceptions will only be permitted where it is demonstrated that:

1. extensions to existing residential buildings will not cause serious harm to the landscape character of the area, and where their design is appropriate relative to existing buildings and their context;
2. the redevelopment of existing residential buildings would give rise to demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape character of the area by a reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance;
3. proposals for new or extended cultural and tourism attractions are sensitively related to the distinctive landscape character and heritage of the area.

There will be a strong presumption against the use of commercial buildings for purposes other than which permission was originally granted. Exceptions to this will only be permitted where:

4. the existing building can be re-used for an employment-related purpose in support of the agricultural industry or the rural economy, where that use would not detract from the character of the area; and, where this cannot be achieved;
5. their demolition and replacement with a new building(s) for another use would give rise to significant demonstrable environmental gains and make a positive contribution to the repair and restoration of the landscape and seascape character

of the area through a significant reduction in their visual impact and an improvement in the design of the buildings that is more sensitive to the character of the area and local relevance. It is expected that such improvements would arise, in particular, from significant reductions in mass, scale, volume and the built form of buildings; a reduction in the intensity of use; more sensitive and sympathetic consideration of siting and design which ensured the local relevance of design and materials; and a restoration of landscape character.

The conversion and re-use of other existing buildings for residential purposes will not be permitted in the Coastal National Park, in accordance with, in particular, Spatial Strategy and Reducing Dependence on the Car, and their conversion and re-use for uses other than residential will only be permitted where;

6. the development proposals are in accord with Sequential Approach to Development and;
7. where they do not have any adverse visual impact and do not significantly intensify the use of land or buildings.

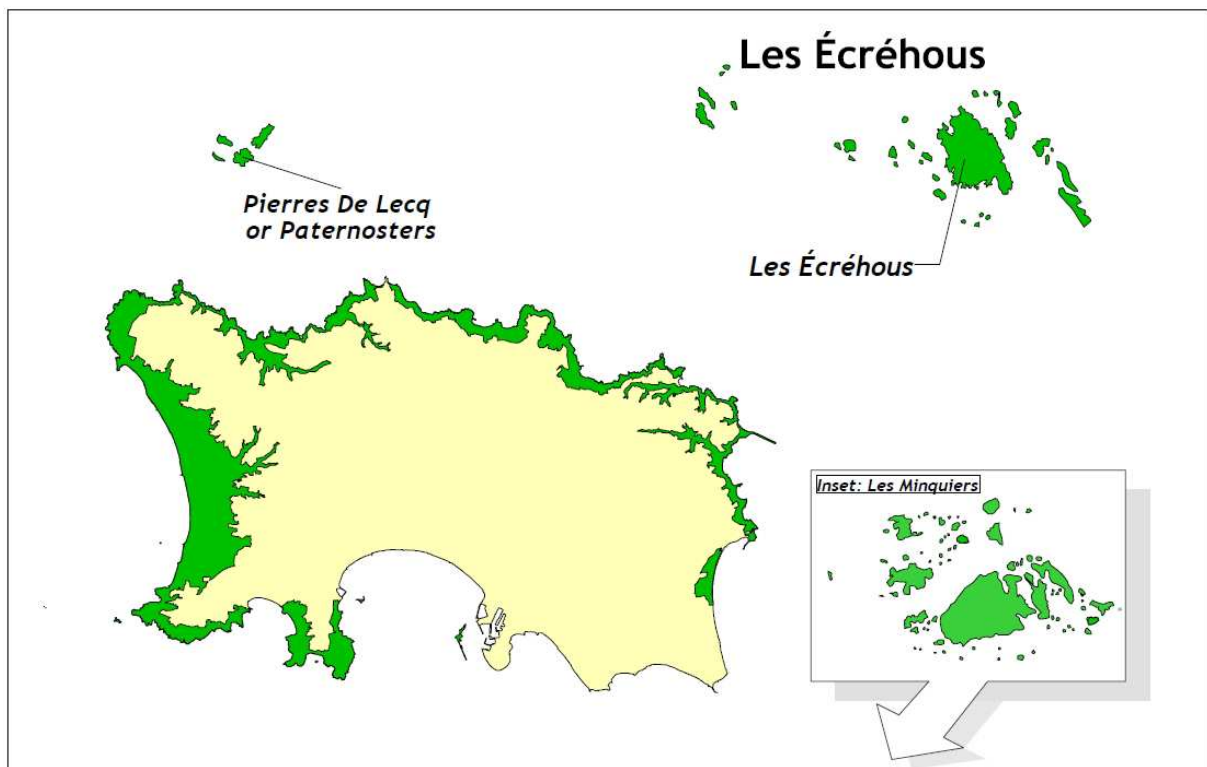
For the avoidance of doubt, there will remain the strongest presumption against:

- a. the change of use of any land to domestic use;
- b. the redevelopment of modern agricultural buildings;
- c. the redevelopment of glasshouses.

The Minister will seek the removal of modern agricultural buildings and glasshouses, where they are derelict and/or redundant, in the Coastal National Park.

Development proposals related to renewable energy production within the Coastal National Park will be considered in accord with Policy NR 4 'Exploratory, appraisal or prototype off-shore utility scale renewable energy proposals' and Policy NR 5 'Off-shore utility scale renewable energy development'.

- 4.4 The extent of the Coastal National Park is described in full in the 2011 Island Plan (pp.72-74) and delineated in detail on the Island Proposals Map. An outline of the area is illustrated below:



Plan 1: Coastal National Park (Island Plan 2011)

- 4.5 Island Plan policies, in addition to those above, may also be material to the consideration of planning applications where they affect the Coastal National Park: Policy GD1: General development, will likely always be of relevance and, depending upon the nature of the development and its location, other policies about matters such as biodiversity and heritage, amongst others, may require consideration.

5 Key principles

- 5.1 So what does this policy framework mean in practical terms and how is this extremely strong regulatory regime for new development in Coastal National Park going to be applied in practice? To begin to address this, it is considered helpful to set out some key principles that the Minister for Planning and Environment will adopt and apply in dealing with change in the Coastal National Park.

Presumption against all forms of new development

- 5.1.1 The spatial definition of the Coastal National Park has been largely informed by the Countryside Character Appraisal²: this work defined the characteristics of different landscapes in the Island and also informed their capacity to accept change. Those parts of the coast and the countryside within the defined Coastal National Park are those considered to be of such landscape value and sensitivity that they are unable to accept new development without potentially serious harm to their intrinsic landscape qualities.
- 5.1.2 Accordingly, the planning policy regime established for this area provided by Policy NE6 offers the strongest possible presumption against all forms of new development and the extension and/or intensification of existing development.

Integrated characterisation

- 5.1.3 The varied landscape characteristics of the Island's Coastal National Park are the product, however, not just of the visual landscape but of the interactions between physical features (such as topography, geology and climate); the plants and the animals that they support; and the cultural influences of human occupation and management of land over centuries. In this way, integrated characterisation gives equal weight to landscape character; nature conservation concerns; the historical and cultural evolution of an area; and the way that it is used and managed.
- 5.1.4 The interaction of these elements that contribute to the determination of character is described and assessed in the Countryside Character Appraisal. The Minister for Planning and Environment proposes to publish and adopt the Countryside Character Appraisal as supplementary planning guidance (as set out in Proposal 4: 2011 Island Plan). This will be a valuable tool in determining the capacity of specific character areas to accept change and will be an important material consideration for the Minister when assessing development proposals within the Coastal National Park.

Management of change

- 5.1.5 The 2011 Island Plan clearly recognises the Coastal National Park as a living landscape. And whilst setting out a strong presumption against all of forms of new development for whatever purpose, Policy NE6 provides explicit recognition that there are existing buildings and uses within the Coastal National Park and that it is unreasonable for the Minister for Planning and

² Countryside Character Appraisal (1999) Land Use Consultants

Environment to prohibit **all** change in land use and the development of buildings here.

- 5.1.6 The landscape of the Coastal National Park has considerable value and provides a range of benefits which people can enjoy. New development which enhances the public enjoyment of these benefits, provide that it does not detract from the park's landscape quality, may be beneficial.
- 5.1.7 Accordingly, the management of change in the Coastal National Park should not be construed to be entirely prohibitive. It should facilitate and enable change where that offers the potential to repair, restore or enhance landscape character and the understanding and enjoyment of it, in accord with the purposes of the National Park.

6 Policy exceptions

- 6.1 Policy NE6 does **not**, therefore, confer an absolute moratorium on new development in the Coastal National Park: there is, however, a strong presumption against new development and this is the starting point for the consideration of development proposals. The policy recognises that there will be circumstances where it is appropriate and acceptable to permit some forms of new development and it allows for these.
- 6.2 To promote clarity and consistency, the Minister for Planning and Environment wishes to set out how he will apply the exceptions to the presumption against new development in the Coastal National Park, as set out in the policy: further guidance is provided below in relation to the following forms of land use and development:
- residential land use and buildings;
 - employment land use and buildings
 - cultural and tourism development
 - renewable energy and minerals development

6.3 Residential land use and buildings

- 6.3.1 It is considered that there are four principal forms of development related to residential land use and buildings and, for the purposes of clarity; these will be considered in turn, as follows:

New dwellings and extensions to create a new household

- 6.3.2 The development of new dwellings in the Coastal National Park is strongly resisted by the planning policy framework provided by the 2011 Island Plan at both a strategic and detailed policy level (the replacement of existing dwellings is covered separately at 6.3.9-6.3.12 below).
- 6.3.3 Furthermore, Policy NE6 does not make explicit provision for extensions to existing residential properties to provide accommodation for dependent relatives (unlike Policy NE7: Green Zone): the creation of new households in the Coastal National Park would run counter to the strategic objectives of the Plan (in relation to the delivery of a more sustainable pattern of development; reducing the need to travel; and reducing dependence on the private car), as well as challenging the general presumption against new development in the Coastal National Park with potentially serious implications for harm to the landscape character of the area.
- 6.3.4 On this basis, the creation of a separate household in the form of either an extension to an existing dwelling; through the conversion of an ancillary

domestic building or part of an existing dwelling; or the creation of a new dwelling unit within the curtilage of an existing residential unit, will not be permitted as a policy exception within the Coastal National Park.

Extensions to existing residential buildings

- 6.3.5 It is clearly recognised that the Coastal National Park contains a significant number of buildings within it, many of which are homes, and that it would be unreasonable to resist all forms of development associated with the improvement of people's living space. Because of this, Policy NE6 makes explicit provision for an exception to be made to the general presumption against new development in the case of extensions to existing residential buildings.
- 6.3.6 The Minister considers it appropriate that residents of the Coastal National Park should be able to improve their living accommodation where it is appropriate and acceptable to do so. The key test in these cases is the scale and design of any extension and its potential impact on the landscape character of the immediate area. So each case should be assessed on its merits and, in particular, regard had to the sensitivity of the site, relative to the capacity of the landscape character area (as defined by the Countryside Character Area) that it sits within, to accept change. As a general principle, however, extensions that are of a scale that is equivalent to or greater than the existing dwelling are unlikely to receive favourable consideration: the larger an extension is, the greater its impact is likely to be.
- 6.3.7 Whilst not explicitly referred to in Policy NE6, proposals to extend dwellings by the provision of ancillary buildings and structures, such as garages and outbuildings (which are not in the form of extensions to the principal dwelling house), should be considered in the same manner as extensions, where the key test will be the impact upon landscape character. As with extensions, the larger that ancillary buildings and structures are the greater their impact is likely to be.
- 6.3.8 The provision of ancillary buildings to provide living space for a separate household will not be permitted (see 6.3.2 – 6.3.4 above).

Redevelopment of existing residential buildings

- 6.3.9 The principle of allowing the redevelopment of existing residential buildings in the Coastal National Park is supported by the Minister for Planning and Environment (subject to consideration of Policy GD2: Demolition and replacement of buildings). It is recognised that comprehensive development proposals of this type can offer up the possibility of repairing and restoring the landscape character of the area. This can be achieved by reducing the visual impact of dwellings through an improvement in their design, materials and colour to a form that is more sensitive to the character of the area; and by incorporating local relevance.
- 6.3.10 For residential redevelopment proposals to be acceptable in the Coastal National Park there is a requirement for them to give rise to demonstrable environmental gains, which may be achieved through;
- a reduction in the visual scale, mass and volume of a dwelling; and/or
 - more sensitive and sympathetic consideration of its siting and design;
- and to make a positive contribution to the repair and restoration of the landscape character of the area which may be achieved by;
- reflecting the distinctiveness of the character area in the form, material

and finish of the building; and/or

- addressing some of the management threats and priorities identified in the Countryside Character Appraisal for that character area. The Minister expects that any redevelopment in the Coastal National Park would contribute directly (or indirectly through the use of planning obligation agreements) to the restoration of landscape character.

6.3.11 The Minister does not consider it appropriate to set out any general guidelines about the size of any new dwelling relative to that which existed previously: the key determinant will be the impact of redevelopment on the landscape character of the area. This relates to the design of the building and, in particular, its siting, use of materials, colour and form (it may even be that an increase in the scale of a building may improve its appearance in the landscape).

6.3.12 Owing to the requirement for any comprehensive residential redevelopment to deliver demonstrable environmental gains it is unlikely that proposals which seek to significantly increase the intensification of use of an existing dwelling will be supported, either from a consideration of its visual impact or in terms of the likely increased trip generation from a new home with significantly increased occupancy.

Extension of domestic curtilage

6.3.13 In accord with the strong presumption against new development in the Coastal National Park, the Minister does not consider the extension of domestic curtilages to be acceptable.

6.3.14 Small-scale changes - like the extension of a domestic curtilage - can have an impact on the sense of wilderness, isolation and remoteness which are important qualities in parts of the Coastal National Park. Furthermore, the incremental loss and erosion of landscape character to domestication can seriously undermine the quality and cohesion of a landscape character area. The strongest presumption against this form of development will, therefore, be maintained.

6.4 Employment land use and buildings

6.4.1 Whilst comprised of the Island's most visually sensitive landscapes, the Coastal National Park is undoubtedly a product of the interaction between human and natural influences: the economic history of the Island, together with political and social influences, has been instrumental in shaping the landscape that we find today. The Coastal National Park remains a working environment in many places and a number of land uses and buildings within it perform an employment and economic function.

6.4.2 Economic growth and diversification are key objectives of the 2011 Island Plan and policies within the Plan (at SP5, E1 and ERE1 respectively) seek to ensure that existing employment land and premises are maintained and protected. This section of the guidance sets out how proposals affecting employment land and buildings in the Coastal National Park will be considered in relation to proposals to extend or intensify their use and to change their use, both through redevelopment and conversion.

Extension and intensification of use

6.4.3 Owing to the sensitivity of the landscape it is likely that, even under previous planning policy regimes provided by earlier Island Plans, specific exceptions may have been made to support the establishment and growth of economic

activity in what is now defined as the Coastal National Park, based on specific locational requirements. This is likely to be the case for the development of tourism and agricultural uses in sensitive locations in the countryside and around the coastline which have been permitted to support major sectors of the Island's economy.

- 6.4.4 The sensitivity of the landscape character of the Coastal National Park will act as the primary consideration for the Minister in the assessment of development proposals to extend or intensify existing employment land uses or buildings in the Coastal National Park, including tourism and agricultural uses, in accord with the strong presumption against new development. A case will need to be made, which sets out why a coastal or countryside location is required in respect of specific economic land use and building development proposals in the Coastal National Park: the Minister may require the applicant to set out what alternative locations for new development have been considered as part of the assessment of a planning application.
- 6.4.5 Where there is an overriding justification to support further development of economic uses and buildings in the Coastal National Park the visual impact of extensions to buildings will be the key material consideration. Sensitive and sympathetic consideration of siting, design, form, material and finish of any building extensions will be required. It is unlikely that completely new buildings that are related to an existing economic use will be supported unless there is a compelling visual justification to provide additional floorspace in this way (as opposed to an extension or intensification of the use of an existing building(s)).
- 6.4.6 The implications of any development proposal which will intensify an existing employment use in the Coastal National Park will need to be considered in terms of the generation of additional travel and traffic, at a strategic level, and noise and disturbance at a local level, particularly where buildings or uses can adversely affect the sense of wilderness, isolation and remoteness in the Coastal National Park. Any intensification of use which has visual implications will also require careful consideration relative to its implications upon the landscape character of the area.

Change of use of employment land and buildings

- 6.4.7 Policy NE6 sets out a strong presumption against the change of use of employment land and buildings for purposes other than which permission was originally granted. This is because a specific economic justification would likely have been made to permit the establishment and/or growth of an employment-related use in such a sensitive location in the first place. In such circumstances, the Minister considers it appropriate that, as far as possible, employment land and buildings should remain in the use for which consent was originally granted.
- 6.4.8 On this basis, and in accord with Policy E1 of the Plan, any proposals to change the use of employment land and buildings in the Coastal National Park (except where they are buildings used predominantly for tourism accommodation or offices) will need to be supported by appropriate evidence that the existing employment use is no longer viable, having regard to market demand. The evidential requirements for any such proposal are set out in the supplementary planning guidance Protection of employment land (draft published February 2012).
- 6.4.9 Where a change of employment use is supported by evidence that the existing use is no longer viable (or where the building is predominantly used for tourism accommodation or office use) Policy NE6 permits an exception to be

made for a change of use to another employment-related use in the Coastal National Park where their use requires a coastal or countryside location and which supports the rural economy. This approach accords with Island Plan Policy SP3(3) and (4): the nature of the proposal should be assessed relative to the objectives of the Rural Economy Strategy³.

6.4.10 It is generally envisaged that this particular exception to the general presumption against development in the Coastal National Park will involve limited physical alteration to land and buildings and/or the intensity of the use of any operation. The implications of any such change of use, visually and for the character of the area, as defined in the Countryside Character Appraisal, will remain to be the Minister's key determinants in any such proposal.

Redevelopment of employment land and buildings to other non-employment use

6.4.11 Within the general presumptions against new development in the Coastal National Park and of maintaining employment land and buildings in their original or alternative employment uses, Policy NE6 recognises that there is potentially positive environmental gain to be secured by allowing the comprehensive redevelopment of some employment buildings, involving their complete or partial demolition and the development of new buildings and/or uses. The Minister acknowledges that managing an exception to a general presumption against any development in the Coastal National Park such as this, is challenging, and that it is important to be clear about the benefits that any such development proposal might bring.

6.4.12 Before doing this, it is worth restating that Policy NE6 does not permit the redevelopment of modern agricultural buildings or glasshouses in the Coastal National Park (except where a change of use without significant physical alteration to the building and/or intensification of its use is involved to another employment activity that requires a coastal or countryside location): where these particular buildings in the Coastal National Park are derelict, the Minister will seek their removal and the restoration of land to its original condition.

6.4.13 In all other instances the complete or partial demolition of an employment building and the development of new buildings to another use in the Coastal National Park may be permitted where the following benefits can be secured:

- **significant reduction in visual mass, scale and volume** - this might be achieved by a reduction in the mass and scale of buildings in the landscape.

Opportunities may arise to remove uncharacteristically large buildings - such as hotels or other tourism related buildings - from the landscape, through their redevelopment and replacement with lesser buildings that are more sympathetic to the character of the area and which sit better in the landscape.

Similarly, the Minister would expect to secure significant reductions in the level of floorspace provided as part of any redevelopment scheme with a view to reducing the intensity of the use of the redeveloped site and a reduction in, for example, trip generation, from the site;

- **reduction in intensity of use** - it is likely that most pressure will come to redevelop employment-related buildings into residential use in the Coastal National Park. The provision of new homes around the Island's

³ Rural Economy Strategy 2011-2015 (January 2011)

under-developed coastal extremities, where the availability of services, amenities and public infrastructure is limited, does little to contribute towards the attainment of a more sustainable pattern of development in the Island.

Any permission for redevelopment for residential use will, therefore, only be permitted where the residential yield is extremely limited.

The sustainability of a proposal at a strategic level will be a material consideration and the Minister will require evidence to show how this has been assessed: a net reduction in demand/impact should be secured by any redevelopment scheme. This might include comparison of the input of each use upon public infrastructure and could include, for example, the comparison of the trip-generation of a former hotel against the intensity of use of that proposed.

- **more sensitive and sympathetic consideration of siting and design:**
 - there is ample evidence of poorly sited and designed buildings and additions to buildings, around the Island's coastline. Redevelopment offers the opportunity to recreate a more sympathetic development in the landscape and the Minister would expect new buildings to reflect the principles of good design, as set out in the Jersey Design Guide⁴. Buildings must, in particular;
 - demonstrate an understanding of context - they must be mindful of it and respectful of it, particularly where they are sited in a sensitive landscape context;
- **a positive contribution to the repair and restoration of the landscape character of the area:** - this may be achieved by;
 - reflecting the distinctiveness of the character area in the form, materials and finishes, including colour, of the building; and/or
 - addressing some of the management threats and priorities identified in the Countryside Character Appraisal for that character area.

The Minister will publish supplementary planning guidance based on the Countryside Character Appraisal providing advice about how each area can be restored and enhanced. The Minister expects that any redevelopment in the Coastal National Park would contribute directly (or indirectly through the use of planning obligation agreements) to the restoration of landscape character.

6.4.14 It is worth re-stating that for all employment uses in the Coastal National Park, other than tourism accommodation and office use, there is a need to demonstrate that a continuation in an appropriate employment use is unviable before redevelopment to a non-employment use will be considered.

Conversion to residential use

6.4.15 In the Coastal National Park there is a general presumption against the loss of employment land and buildings to residential use set out in Policy NE6 and supported by Policy SP3: Sequential approach to development, and Policy E1: Protection of employment land.

6.4.16 Where the redundancy of employment use is proven or where the proposal involves the conversion of offices and tourism accommodation, (but excluding modern agricultural buildings and glasshouses), exceptions to the

⁴ Jersey Design Guide (2008)

presumption against the conversion and re-use of an employment building, where it involves little or no physical change to it, may be looked at more favourably where any such scheme delivers benefits related to a reduction in the intensity of use of the site.

- 6.4.17 With specific regard to former hotel sites, the Minister would expect to secure significant reductions in the intensity of use of these buildings where they are proposed for conversion to residential use, as opposed to comprehensive redevelopment involving demolition and building anew: the justification for this approach is based on the fact that permission is likely to have been granted for hotel use, and/or an expansion of either an original residential or hotel use, on a site where permission for a large extent of residential development would not normally have been countenanced. In such circumstances, and in accord with the strategic objectives of the Plan to deliver a more sustainable pattern of development in the Island, the Minister considers it appropriate to seek to secure a significant reduction in the intensity of use and the level of residential occupation of these buildings where they are proposed for conversion.
- 6.4.18 The Minister will also have careful regard of the visual implications of any such change where there is a requirement to make specific provision of external space –in the form of car parking and amenity space in particular - to serve each household. The Minister would seek to ensure that there are no adverse implications of any such provision on the landscape character of the area but rather, will seek to ensure a positive contribution to the repair and restoration of landscape character, as set out at 6.4.13 above.

6.5 Cultural and tourism uses

- 6.5.1 One of the purposes of the Coastal National Park is to promote opportunities for the understanding and enjoyment of its special qualities which inevitably creates a tension with the other purpose of the Park, which is to ensure that its special qualities – in the form of its natural beauty, wildlife and cultural heritage – are conserved and enhanced. Managing this tension successfully requires the Minister to ensure that new or extended cultural and tourism development in the Coastal National Park is sensitive and proportionate to the fragility and vulnerability of the landscape within which it might take place.
- 6.5.2 The Countryside Character Appraisal is a valuable tool in this respect. It identifies some of the development and management threats to the character of each area within the Coastal National Park, as well as the potential capacity for change. It can, therefore, be used to inform decisions in relation to development proposals and their implications for subsequent use of different parts of the designated area.
- 6.5.3 Given the strong presumption against development in the Coastal National Park it is considered worth stating that the favourable consideration of any exceptions permitted under that part of Policy NE6 related to the provision of new or extended cultural and tourism attractions is going to be related to those forms of development and use that have a very limited impact upon the landscape character of the area.
- 6.5.4 The types of uses and forms of development that might fit into this category of development include proposals which are based upon the use and enjoyment of the environmental and heritage assets of the National Park and are likely to be related to informal recreation, leisure and tourism.
- 6.5.5 The provision of interpretative facilities and access infrastructure will only likely be considered favourably where it is designed to minimise visual impact and

where there are no unduly adverse effects upon sensitive environmental or heritage assets.

- 6.5.6 Similarly, proposals involving a change of use of land to enable activity-based tourism and leisure pursuits will be considered relative to their impacts upon the sensitivity of environmental and heritage assets, as well as the implications of greater levels of more active use of land within the National Park, where the qualities of remoteness and peacefulness may be particularly significant.
- 6.5.7 Leisure and tourism activities can generate a requirement for ancillary services and buildings and it is acknowledged that a number of these types of facilities – such as cafés, bars, kiosks and toilets – already exist in parts of the Coastal National Park. Proposals to extend or intensify existing facilities in the Coastal National Park will fall to be considered in the same way as any other employment use, as set out at 6.4.3-6.4.6 above.
- 6.5.8 Likewise, proposals for the comprehensive redevelopment of existing leisure and tourism facilities, where they are to be retained in the same use in the Coastal National Park, will be assessed against the following criteria in particular (as set out at 6.4.13 above), and will be expected to deliver:
- **more sensitive and sympathetic consideration of siting and design; and**
 - **a positive contribution to the repair and restoration of the landscape character of the area.**
- 6.5.9 Whilst recognising that there will need to be a sound economic case for investment in the redevelopment of existing tourism and leisure uses and buildings that already exist in the Coastal National Park to take place and given the general presumption against new development, favourable consideration is only likely to be given to redevelopment schemes which seek to increase the size or intensity of use of any facility where the mitigation of the adverse impacts of such change, through design and landscape repair, are competently addressed.
- 6.5.10 On the basis of the strong presumption against new development in the Coastal National Park, proposals for new buildings associated with the introduction of new cultural and tourism attractions are unlikely to be favourably considered. The only exception to this may be the introduction of small scale buildings or structures, such as beach kiosks. The potential visual implications of these developments and the infrastructure required to support them; together with their impact upon the intensity of the use of the area, will require careful consideration relative to the sensitivity of the area's landscape character. It is unlikely that they will be favourably considered where they are highly visible in the landscape and/or unscreened by landscaping; and where there are no existing formal car parking and/or toilet facilities in close proximity.

6.6 Renewable energy and minerals development

- 6.6.1 The Island Plan provides a comprehensive planning policy regime, identifying the requirements for environmental impact assessments to be undertaken, relative to any proposals related to the generation of renewable energy and the extraction of minerals, at policies NR4-6: Renewable energy and MR3: New or extended mineral workings, where the impact on the Coastal National Park, where relevant, would be a significant material consideration.

7 Permitted development

- 7.1.1 The sensitivity and vulnerability of the landscape within the Coastal National Park is well-documented and the impact of change an issue of concern to many. In some parts of the National Park, where there is considered to be no capacity for change without undue harm to landscape character, even small changes can have an impact on sense of wilderness, isolation and remoteness. Because of this, the Minister for Planning and Environment proposes to review the permitted development rights that are available to all building types and land uses within the Coastal National Park in order that small-scale changes to property, that are presently unregulated, are brought within planning control.
- 7.1.2 Permitted development rights are enjoyed by both domestic and commercial properties, as well as being applicable to the providers of public services and utilities. These rights, which are set out in the General Development Order⁵, enable certain works to be undertaken without a need to apply for formal planning permission. The Minister proposes to review these rights, with a view to removing those which enable works to be undertaken without express permission where they could have a potential impact upon the landscape character of a sensitive area within the Coastal National Park.
- 7.1.3 Any such change would not preclude changes taking place in the Coastal National Park. It would, however, provide the Minister with power to regulate any such change given the sensitivity of the landscapes within it. A similar situation already exists for Listed buildings and places on the basis of the sensitivity of change to the historic fabric of heritage buildings and sites.
- 7.1.4 To bring this proposal to fruition would require amendment to legislation and would be the subject of separate process of consultation: the Minister wishes, however, to test the principle of this proposed change presently.

Proposal

Review of permitted development rights in the Coastal National Park

The Minister for Planning and Environment proposes to review the permitted development rights that are available to all building types and land uses within the Coastal National Park in order that even small-scale changes to land and property, that are presently unregulated, are brought within planning control.

⁵ Planning and Building (General Development) (Jersey) Order 2011. For a guide see: <http://www.gov.je/PlanningBuilding/Permission/Pages/default.aspx>

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