
STATES OF JERSEY



PLANNING COMMITTEE DECISIONS 2016

**Presented to the States on 21st March 2017
by the Minister for the Environment**

STATES GREFFE

REPORT

1. Article 9A(6) of the [Planning and Building \(Jersey\) Law 2002](#) came into force on 11th April 2015. It requires that –

The Planning Committee shall, within the period of 3 months following the end of a year, report to the States –

- (a) the number of decisions made by the Committee under this Law during that year;**
- (b) the number of appeals made during that year against decisions made by the Committee under this Law;**
- (c) the Committee’s assessment of planning policy and any recommendations it has for its revision.**

2. This report is presented to the States for the purposes of complying with this new provision.
3. Between 28th January and 8th December 2016, the Planning Committee has determined **99** applications.
4. Between 28th January 2016 and 8th December 2016, **37** of the Committee’s previous decisions were appealed under the new planning appeals system (24 of which were upheld and 13 of which were reversed).
5. Committee Members have made the following comments to the Minister during 2016.

- (A) The Committee decided to recommend to the Minister that much more emphasis be placed upon securing planning gains. Whilst the Committee understood that legislative changes might be necessary, dependent upon the approach adopted, members were keen to identify a method of addressing this issue in a timely manner. It was noted that changes to Supplementary Planning Guidance were being considered at present.

Minister’s response

The legislative power and the policy framework already exists for planning obligation agreements (POAs) to be used to ensure that the direct impact of development upon the local community can be mitigated. The Planning Committee can and should seek to ensure that obligations are used comprehensively when considering the direct implications of development upon local infrastructure as part of its determination of planning applications.

To assist with this, and to provide greater clarity and certainty for applicants, I am revising the existing supplementary planning guidance for POAs. It is my intention to bring forward this revised guidance in early 2017.

In accord with Proposal 23 of the Island Plan, I am also seeking to explore the development of a policy mechanism – such as an infrastructure levy – that might capture some of the value from the development of land to help support the provision of affordable homes and/or other community infrastructure. This work is in train and the subject of extensive consultation with stakeholders representing the development industry.

In the event that an infrastructure levy is considered to be viable in Jersey, it is likely that legislative changes would be necessary to bring it into effect.

- (B) The Committee discussed the guidelines which existed in terms of contributions to the Eastern Cycle Route. The Committee noted that, historically, the Department had adopted a more flexible approach in this context in respect of social housing developments. Whilst the majority of members were content with the Department's approach in respect of contributions to the Eastern Cycle Route, others were not and did not believe that flexibility should be shown in respect of social housing developments. The Minister was asked to consider this matter.

Minister's response

The policy framework for the provision of contributions, either directly in the form of a new section of the Eastern Cycle Network or through a financial contribution to support the enhancement or development of the network, is provided by Policy TT3 of the Revised 2011 Island Plan, approved by the States. The Department of the Environment has not issued specific guidelines in respect of contributions to the Eastern Cycle Network.

The Island Plan policy seeks to secure contributions towards the Eastern Cycle Network from a range of large scale developments, which includes housing schemes of five or more homes. The policy, and its supporting justification, makes no explicit formal exception for affordable housing schemes and, in such circumstances, it is my expectation that such contributions should normally be secured.

In the case of two sites specifically rezoned for the provision of affordable homes in the Revised 2011 Island Plan within the Eastern Cycle Route Network area (as defined on the Proposals Map), I have explicitly highlighted the requirement for contributions to be made to the cycle network in the development briefs that were issued as supplementary planning guidance for each site.

- (C) The Committee noted that there were currently no standards in respect of inter-relationships between developments/acceptable distances. However, members were advised that the Department was preparing draft guidance on this issue and, if adopted by the Minister, this would be published in the form of supplementary planning guidance.

Minister's response

Whilst consideration has previously been given to the need for and value of guidelines about the relationship between buildings to safeguard matters of privacy and loss of daylight and sunlight they have never been formally progressed to adoption and use in Jersey: such guidance is in common use in UK planning authorities.

In light of recent appeal decisions and the comment of planning inspectors, I have asked the department to prepare supplementary guidance in relation to these matters. Draft guidance will be published, for consultation, in early 2017 with a view to its adoption and implementation as soon as possible thereafter.

- (D) The Committee noted the tensions which appeared to have arisen as a result of the creation of residents' car parking in St. Helier and requested that the Minister consider this issue.

Minister's response

I understand that this related to particular case in the west of the town. The St. Helier residents' parking scheme is a matter for the Connétable and he is aware of this particular case.

Notwithstanding the existence of Residents' Parking Schemes in St. Helier, I am reviewing supplementary planning guidance for parking standards and intend to release the revised draft guidance for consultation as soon as possible in 2017.

- (E) The Committee considered the Building Bye-Laws process and the need to provide some planning advice on this process and its inter-relation with the planning process.

Minister's response

I am aware that there will occasionally be differences between the application of standards between planning and building control. This is not surprising because both sets of regulations set out to achieve different objectives. Planning is concerned primarily with the location and type of development, the amount of which any site can accommodate and its impact on others. The Building Bye-laws are concerned with a building's structural integrity, its safety and energy performance.

However, I agree with the message behind the Committee's suggestion. The various parts of the department need to work together to ensure that Islanders receive rounded advice, which takes into account both sets of regulations. Written advice should be phrased accordingly.

- (F) The Committee noted the policy tensions between the Strategic Plan, the Island Plan and the Rural Economy Strategy (the latter was currently being updated and the Island Plan would be updated in the near future) and asked the Minister to consider this issue.

The Committee also noted that standards were being produced to define overbearing development and overshadowing.

Minister's response

Tensions will inevitably arise in any large policy document. It is for the decision-maker, on each occasion, to give appropriate weight to each policy as they see fit, according to the particular circumstances of the planning application that is before them.

The new Rural Economy Strategy is at an advanced draft stage and is due for discussion at the Council of Ministers on 25th January 2017, with implementation expected from Q2/17.

The plan period of the Revised 2011 Island Plan, which was adopted in July 2014, runs to 2020.

I have already referred to the forthcoming planning guidance about the relationship between buildings in (C), above.

- (G) The Committee recalled that whilst an urban character appraisal for St. Helier had been commissioned and led by Willie Miller Urban Design with Drew Mackie Associates and others, this did not extend to other areas. Character appraisals acted as an aid to the process of preserving and enhancing the character of specific areas and guided policy formulation and the assessment of planning applications. The Committee decided to recommend that individual character appraisals were commissioned.

Minister's response

The commissioning of the St. Helier Urban Character Appraisal, and the subsequent adoption of supplementary planning guidance, was considered necessary and appropriate given the significant development pressure that is focussed on the Island's capital.

This complements the earlier Countryside Character Appraisal, which dealt with those parts of the Island outwith the defined Built-up Area, and now ensures that most of the Island has guidance about the nature and significance of its landscape and townscape.

I also intend to develop supplementary planning guidance for St. Brelade's Bay to better inform decision-making in this sensitive area during the current Island Plan period.

The current capacity of my department to develop and/or commission further character appraisals is limited. I would seek to encourage the Planning Committee to make full use of the existing tools available to it to require applicants to set out a clear and comprehensive justification for their proposals and to clearly set out how the impact of their development proposals upon the local character of the local townscape or landscape has been mitigated. In some cases, applicants may also be able to demonstrate repair and enhancement of local character.

In particular, the submission of Design Statements with planning applications should demonstrate how the principles of good design have been taken into account in the preparation of development proposals. These statements should, as a matter of course, analyse the site and its context and demonstrate how the proposed development responds to and contributes towards its particular townscape or landscape context.

Supplementary planning guidance about design statements and the Jersey Design Guide, which sets out my key design principles, is already available and I would urge the Committee to ensure the use of these tools is effectively demonstrated in the schemes that come before them.

(H) The Committee agreed to recommend that the Minister review the site notification process for planning applications.

Minister's response

I am aware of some concern in relation to the current requirements for publishing planning applications, in particular those for the location of the site notices displayed by the applicant, and undertake to review these in the coming year.

6th March 2017