
STATES OF JERSEY



RESPONSE TO PLANNING COMMITTEE REPORT OF 2023

Presented to the States on 26th June 2024
by the Minister for the Environment

STATES GREFFE

REPORT

1. Article 9A of the [Planning and Building \(Jersey\) Law 2002](#) requires that:
 - “ (6) The Planning Committee shall, within the period of 3 months following the end of a year, report to the States—
 - (c) the Committee’s assessment of planning policy and any recommendations it has for its revision.
 - (7) Where, under paragraph (6)(c), the Planning Committee makes recommendations about planning policy, the Minister shall present to the States his or her response to the recommendations.”

2. This report is presented to the States for the purposes of complying with the Minister’s obligation under Article 9A(7).
3. The Minister makes the following response in relation to the matters raised by the Planning Committee:

Fisheries, agriculture and aquaculture staff accommodation

4. The Committee recommends that the Minister considers policy revisions to include fisheries alongside agriculture and aquaculture in the Bridging Island Plan in connection with the provision of staff accommodation.

Minister’s response

5. The bridging Island Plan explicitly and specifically references the significance and role of the island’s commercial fishery in the ‘Fishing and aquaculture’ section of the plan (pp. 186-188) where it states that:

The waters around Jersey are productive and fishing and aquaculture are of economic importance in terms of value, local employment, and contribution to the island’s tourism offer. Fishing also plays a significant role in island life, culture, and identity.

Jersey’s commercial fishery is economically dominated by shellfish, especially lobster and crab which form around 70% (by financial value) of landings. Whelks and scallops are also important at around 22% of landed value with wet fish and other species, such as cuttlefish, forming the remaining 8%18. Potting remains the dominant metier used across the island’s commercial fleet given the major role that crab and lobster contribute to the fishery.

6. BIP Policy SP2 – Spatial strategy sets the strategic direction for the location of development in the island: it states that development will be concentrated within the island’s built-up area. Outside the defined built-up area, within the countryside, around the coast and in the island’s marine environment, development will only be supported where a coast or countryside location is justified, appropriate and necessary in its location.
7. Policy ERE8 – Fishing and aquaculture seeks to support the infrastructure that is required to support the island’s fishing and aquaculture industries and provides support to the development of facilities and infrastructure which are essential for the fishing industry within the operational port of St Helier, which is where Jersey’s commercial fishing fleet is principally based.

8. Given that the island's commercial effort is focused in the built-up area of St Helier, there is considered to be no policy justification or requirement to support the location of new residential accommodation in support of the fishing industry outside of the Town or outside other parts of the built-up area.
9. It is relevant to note that this comment was made in the context of consideration of a planning application for the provision of a dwelling to provide accommodation for staff engaged in the island's fishing industry at The Pastures, La Rue de la Prairie, St. Mary (P/2022/0840¹).

GD5 – Demolition and replacement of buildings

10. The Committee have considered numerous applications involving demolition and would like clarification of what constitutes sufficient evidence that a building is genuinely compliant with the requirements of GD5 and that demolition is justified? The Committee/Officers should not be solely reliant on the evidence provided by the applicant's own surveyor/engineer.
11. The Committee is concerned with what appears to be routine acceptance of structural reports from applicants' surveyors or engineers without the reports being appropriately assessed by a second or independent surveyor or engineer. In instances where a common-sense approach would indicate a building remains structurally sound there should be a mechanism to challenge the reports from applicants.

Minister's response

12. It is acknowledged that assessing the sustainability of development proposals is a new and evolving consideration which can present some challenges, particularly where there is a need to compare the sustainability of a proposal to develop a new building relative to the repair and refurbishment of an existing structure. The use of Policy GD5 - Demolition and replacement of buildings is, however, seeking to ensure that the sustainability of new development is considered as part of the planning process in response to the climate emergency.
13. Since the introduction of Policy GD5, in March 2022, the Place and Spatial Planning team of the Cabinet Office has provided advice to planning case officers to help guide the assessment of development proposals which involve the demolition and replacement of buildings. This seeks to ensure that a form of standardised objective methodology is applied to the assessment of information provided by the applicant; and allows a critical appraisal to be undertaken without professional input from a surveyor or engineer. To date, advice has been provided in relation to over 50 planning applications where Policy GD5 has been triggered.
14. Given that this area of assessment in the planning process is taking place in a situation where methods of measuring sustainability is evolving it is recognised that there is a need for a pragmatic approach to be adopted. It is evident that inspectors have been applying it pragmatically, rather than focusing solely on the economic justification of replacing a building compared with the repair and refurbishment, when this policy issue has arisen in planning appeals.
15. In accord with BIP Proposal 10 – Design statements and statements of sustainability, the Minister for the Environment is to review and issue revised

¹ <https://www.gov.je/citizen/Planning/Pages/PlanningApplicationDetail.aspx?s=1&r=P/2022/0840>

supplementary planning guidance about the requirements for and contents of design statements, and to guide the preparation and submission of statements of sustainability. This guidance will set out a clear methodology for the assessment of sustainability that embraces a practical and pragmatic approach.

16. The Minister will engage with the Planning Committee in the development of this guidance and will also keep it under review in order that it might reflect best practice.

ERE3– Conversion or re-use of traditional farm buildings

17. Further clarification is required in relation to advertising (particularly) agricultural buildings when there is an application for change of use or conversion under ERE3. Up to date guidance is required to ensure a consistent approach is adopted by all applicants/agents to enable consistency for decision makers.
18. The Committee consider that marketing campaigns are not sufficiently robust and would prefer the free website operated by Land Controls to be routinely used to market agricultural buildings, and that advice is provided by consultees regarding the expectations of realistic rental income considering current market conditions, current value of the building and potential for rural and agricultural diversification.

Minister’s response

19. The Minister for the Environment has adopted and published guidance (see: [Protection of employment land \(gov.je\)](https://gov.je)) such that development proposals which seek to change the use of employment land will be required to demonstrate that:
 - the site is no longer viable for the existing use or any other employment-related use; and
 - that it has been the subject of full and proper marketing
20. The Minister proposes to review and update this guidance and will seek to engage with I&E (Regulation) (with responsibility for land controls) and the Planning Committee in so doing to ensure that a more robust approach to marketing is adopted.
21. Consultees can be asked to provide specific advice, considered to be of use by the Planning Committee, as a matter of course. This is a matter of operational policy, not planning policy, and can be effected by I&E(Regulation) in its request for advice from consultees.

H9 – Housing outside the built-up area

22. Clarification is needed on how much of the original dwelling must be retained to be classed as an “extension” to avoid scenarios where only a couple of walls are retained and the development resembles a new dwelling more closely than an extension.
23. Clarification as to what constitutes a “disproportionate increase” (Policy H9.1) would also be helpful.
24. The Committee note the publication of Supplementary Planning Guidance “Housing outside the built-up area” dated July 2023 to assist with the interpretation of Policy H9, specifically relating to the development of larger homes in the Countryside in excess of 279 square metres, and further guidance also contained in

Guidance 5.2 stating the scale of any extension must remain subservient to the existing dwelling.

Minister's response

25. The Minister for the Environment has adopted and published guidance (see: [Housing outside the built-up area \(gov.je\)](#)) about the development of new homes in the countryside that fall to be considered under Policy H9.
26. The guidance provides advice about the scale and size of proposed extensions to existing dwellings and also includes a definition of the total gross internal floorspace area that is likely to be permissible under the terms of this policy.

H10 – Rural workers' accommodation

27. Clarification/guidance is suggested regarding space and living standards (both for living and communal areas) for accommodation provided for workers, especially in instances where existing buildings are being repurposed or adapted.

Minister's response

28. The Minister has issued supplementary planning guidance in relation to residential space standards (see: [Residential space standards \(gov.je\)](#)). Whilst this is primarily focused on and provides specific guidance for homes that are designed for permanent residential occupation, reference is made to the assessment of standards for other forms of accommodation that may be occupied on a short-term basis.
29. The Minister intends to give further consideration to the potential for change to the standards specifically related to the provision of forms of short-term occupation, including staff accommodation.

Loss of tourism beds

30. The Committee Members highlighted the impact of the significant loss of tourism beds in the Island and requested that consideration be given as to how best to address this issue.

Minister's response

31. BIP Policy EV1 - Visitor accommodation, seeks to support the provision of visitor accommodation in the built-up area and particularly, five identified tourist destination areas.
32. During the preparation of the BIP, consideration was given to the introduction of a change to the policy to provide a mechanism to assess proposed changes of use away from visitor accommodation in tourist destination areas or outside the built-up area to other uses, in an attempt to regulate the loss of visitor bed stock².
33. Several objectors, including the Minister for Economic Development, Tourism, Sport and Culture (now Minister for Sustainable Economic Development), Visit Jersey and local hoteliers argued that this change would be far too restrictive and counter-productive in terms of supporting hotel businesses³. They considered that

² See SR 59 - Policy EV1 - Visitor accommodation [R Draft Bridging Island Plan - Post-consultation report - part 3.pdf \(gov.je\)](#) and [C SR 59\(a\) - Visitor accommodation.pdf \(gov.je\)](#)

³ See, Responses under Economy and EV1-visitor accommodation: [Published responses for Draft Bridging Island Plan consultation: Further representations - Government of Jersey - Citizen Space](#); and from 1 hour and 24 minutes [Draft Bridging Island Plan Examination in Public - The Economy \(youtube.com\)](#)

the revised policy was like a previous ‘Prime Site’ policy of the 1990s which had, in their view, stifled investment and proved unsuccessful. Whilst the proposed policy mechanism differed in many respects from earlier policy it was not pursued and was not, therefore, included in the bridging Island Plan and, as such, there is no planning policy mechanism to regulate the loss of tourism beds.

34. It is on this basis that the current planning policy framework for visitor accommodation in the bridging Island Plan has been derived, and approved by the States Assembly, and will remain as such until any change brought about by a further island plan review.

Appropriate locations for dog care facilities

35. The Committee Members highlighted the challenges associated with identifying appropriate locations for dog care facilities in the context of the Bridging Island Plan policies and requested that further consideration be given to this issue.

Minister’s response

36. The Minister considers that the bridging Island Plan provides a comprehensive framework against which proposals of this nature might be guided and assessed. Recent appeal decisions also serve to highlight the key planning considerations which they raise.
37. Whilst development proposals of this nature may have increased in number post-pandemic, the Minister does not consider that there is a pressing need for the development of specific supplementary planning guidance related to this form of use currently but will keep the matter under review.