

STATES OF JERSEY

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ISLAND PLAN 2002: AMENDMENT TO POLICY H8 (HOUSING DEVELOPMENT WITHIN THE BUILT-UP AREA)

Lodged au Greffe on 3rd May 2005
by Deputy G.C.L. Baudains of St. Clement

STATES GREFFE

PROPOSITION

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

- (a) to refer to their Act dated 11th July 2002 in which they approved the Island Plan 2002, and to agree to request the Environment and Public Services Committee to amend Policy H8 of the Plan in order to remove any automatic presumption in favour of development in the Built-Up Area, as follows –

for the words “Proposals for new dwellings, extensions or alterations to existing dwellings or changes of use to residential, will normally be permitted within the boundary of the built-up area as defined on the Island Proposals Map, provided that the proposal:”
substitute the words “Proposals for new dwellings, extensions or alterations to existing dwellings or changes of use to residential, will not be permitted within the boundary of the built-up area as defined on the Island Proposals Map, unless the Committee is satisfied that the proposal:”;

- (b) to request the Environment and Public Services Committee to ensure that, when considering any application to develop land submitted to it, it has available a full summary of all policies in the Island Plan 2002 that are relevant to the application together with an analysis of the applicability of those policies to the application.

DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT

REPORT

The 2002 Island Plan is a substantial document endorsed by the States after considerable debate. It contains a great deal of detail, the purpose of which is to enable those charged with administering it to have the necessary tools and guidelines with which to perform their duties.

That degree of detail was necessary because there was a change of emphasis from the 1987 Plan which contained a presumption in favour of development in the Built up Zone; whereas the 2002 Plan instead lays down the criteria against which applications must be judged before new development will be allowed.

The new Plan has a raft of environmental and other considerations that must be satisfied, without which proposals “will not normally be permitted”.

During the debate the then Vice-President, Deputy Layzell, referred to it as a ‘different Planning culture, a different policy set’ and ‘a different way of thinking’ compared with the previous Plan.

In order to ensure no doubt existed, the President, Senator Quérée, issued a press release stating ‘The Planning and Environment Committee wishes to make it clear that there is no presumption in favour of development in the Built-Up Area in the new Island Plan’, and ‘The Committee wants to make it absolutely clear, as it told the States in July, that there is no automatic presumption in favour of development in the Built-Up Area’.

However, Policy H8 of the Island Plan states ‘Proposals for new dwellings, extensions or alterations to existing dwellings or changes of use to residential, will normally be permitted within the boundary of the built-up area as defined on the Island Proposals Map, provided that the proposal:’ (it then goes on to list 11 criteria).

Whilst the above is probably no more than unfortunate wording, I am concerned that it creates an anomaly which could be construed as contrary to the expressed intention of the Island Plan and could therefore be used leverage against the Committee.

My proposal in (a) seeks to rectify that, requesting the Committee to amend Policy H8 to make it quite clear that, as intended at the time of debating the 2002 Plan, there is no presumption in favour of development. Members will recall that during the debate on 20th April 2005 on Deputy Hilton’s proposition asking the States to rezone 2 areas of land the Solicitor General gave advice indicating that it was only the Environment and Public Services Committee that could bring forward for approval ‘development plans’. I was subsequently advised that similar considerations applied to the original version of this proposition (P.69/2005) and as a result I am putting forward this revised version which, as can be seen, ‘requests’ the Committee to amend the policy. If this proposition is adopted I nevertheless very much hope that the Committee will take the necessary steps to comply with the States’ decision.

My second proposal in (b) relates to the Policies in the new Plan and the criteria that must normally be satisfied in order for an application to be permitted.

There are an enormous number of Policies, of which the General ones (G1 – G20) are overarching and probably the most important when addressing new developments. Of those 20 Policies, G2, G3 and G4 (containing a total of 28 criteria) are the ones likely to be of prime concern to existing residents of the area in which new development is planned.

Over the last couple of years parishioners of some rural parishes, notably St. Clement and St. Peter, have become bewildered, frustrated (and lately downright angry) to witness approvals being issued to developers for applications which clearly contravene a number of the criteria contained in those policies. In the case of St. Clement, we have seen as many as 10 criteria in one policy alone apparently disregarded in order to approve development.

The purpose of part (b) of my proposition is twofold. Firstly it will ensure that when considering an Application the Committee has before it a checklist outlining how that application measures up to relevant policy criteria and, if an application doesn’t comply with one or more criteria, the Committee will then have a short analysis of how

and why that is the case. Given the situation where some applications generate enormous amounts of paperwork, it can only be of benefit to the Committee to have an 'executive summary' of how a proposal measures up against the Island Plan. Secondly, I see no reason why such a summary could not be made available to the public, thereby helping to allay public concern about the planning process.

I do not believe this proposition raises any financial or manpower implications.