

STATES OF JERSEY



DRAFT MEDIUM TERM FINANCIAL PLAN ADDITION FOR 2017 – 2019 (P.68/2016) – TENTH AMENDMENT

**Lodged au Greffe on 13th September 2016
by Senator S.C. Ferguson**

STATES GREFFE

DRAFT MEDIUM TERM FINANCIAL PLAN ADDITION FOR 2017 – 2019
(P.68/2016) – TENTH AMENDMENT

1 PAGE 2, PARAGRAPH (a)(i) –

After the words “**Summary Table B**”, insert the words –

“except that the revenue head of expenditure of the Department of the Environment shall be increased by £100,000 in 2017 to fund the production of a Long-Term Development Plan for St. Brelade’s Bay, in accordance with decisions of the States on the sixth amendment to the Island Plan 2011: revised draft revision – approval (P.37/2014) presented by Deputy J.H. Young of St. Brelade on 16th July 2014 and the thirteenth amendment to the Island Plan 2011: approval (P.48/2011) presented by Deputy A.E. Jeune of St. Brelade on 22nd June 2011, and the subsequent inclusion of reference to that plan in the Island Plan (as amended), as recommended in the report of the 2011 Island Plan Interim Review, published July 2014, and on the basis of the funding agreed by the Council of Ministers arising from the second amendment to the Medium Term Financial Plan 2013 – 2015 (P.69/2012) presented by Deputy J.H. Young of St. Brelade on 6th November 2012, and the revenue head of expenditure of the Department of Economic Development, Tourism, Sport and Culture shall be reduced by £50,000 in 2017”.

2 PAGE 2, PARAGRAPH (a)(ii) –

After the words “**Summary Table C**” insert the words –

“except that the total proposed central contingency allocation for 2017 be decreased by £50,000”.

SENATOR S.C. FERGUSON

REPORT

Planning and Environment – MTFP

Summary

The objective of this amendment is to provide targeted funding to implement a recommendation by independent planning inspectors, in a Report dated 10th July 2014 to the Minister for Planning and Environment following an Examination in Public held on 7th July 2014 into proposed amendments to the Island Plan¹, that a local development plan for St. Brelade's Bay be completed 'as a matter of some urgency'.

This would be –

- (i) in furtherance of the Key Area of Focus in the Draft Strategic Plan 2015 – 2018 ([P.27/2015](#)) to promote higher productivity in all economic strategies, including Tourism; and
- (ii) in the absence of an alternative strategy to preserve and develop key tourist assets of the Island having been presented by the Economic Development, Tourism, Sport and Culture Department or *Visit Jersey*, this has created a need for the Ministry to be more proactive in this area.

Background

1. In 2011, the States Assembly approved an amendment to [P.48/2011](#) brought by former Deputy A.E. Jeune of St. Brelade, for the development of a local development plan for the Bay² for the reasons set out in the Report that accompanied that amendment, namely, that the Bay is a key tourist asset and that a recent spate of developments in the Bay suggested that a coherent plan for development in the Bay would serve it better rather than the current piecemeal proposals in the Revised 2011 Island Plan.
2. Examples of the confusing conflict of policies in the Revised 2011 Island Plan applying to the Bay include –
 - (i) The designation of most of the Bay as 'Built-Up Areas', importing a presumption to increase building density in those areas, leading to fears that an increased height, volume and spread of buildings could give rise to a 'Costa de St. Brelade' in the absence of a local development plan;
 - (ii) The subsequent reference in paragraph 4.86 of the Revised Island Plan, to the importance of addressing the spirit of the 1968 proposition 'Development proposals in the St. Brelade's Bay area' (P.15/1968) and the 1989 St. Brelade's Bay Environmental Improvement Plan, that purported to restrict building development in the Bay;

¹ Report to the Minister For Planning And Environment by Chris Shepley, C.B.E., B.A. DipTP., M.R.T.P.I. and Inspector Alan Langton, DipTP., CEng., M.R.T.P.I., M.I.C.E., M.C.I.H.T., Assistant Inspector, published 10th July in connection with the 2011 Island Plan Interim Review following a Further Examination in Public, July 2014

² [Island Plan 2011: approval \(P.48/2011\) – thirteenth amendment](#)

- (iii) The designation of part of the Built-Up Areas in the Bay as Green Backdrop Zones in the Revised Island Plan that only permits development where ‘landscape remains the dominant element in the scene’ and requires existing trees and landscape features to be protected (Policy BE3), without defining what ‘landscape character’ and ‘landscape value’ in that policy means (a term that is also undefined in other policies applicable to the Bay (Policy NE7 (Green Zone), Policy NE6 (Coastal National Park) and Policy NE4 (Preservation of trees, woodlands and boundary features of landscape value)), or what is meant by tree protection; and
 - (iv) Shoreline Zone having been amended to place a restriction, by reference to gross floorspace, building footprint or visual impact, on the demolition and replacement of existing buildings, but not on extensions of such buildings or the construction of new buildings (subject to other applicable planning restrictions) (Policy BE4).
3. A local development plan typically comprises a collection of documents that set out a planning authority’s policies and proposals for the development and use of land in the area concerned, including a core strategy document containing a long-term community strategy for the economic, social and environmental well-being of the relevant area.
 4. Proposal 16 of the Revised 2011 Plan proposes that the planning framework of the Local Development Plan be adopted as supplementary planning guidance approved by the Minister for Planning and Environment. The Department of the Environment has advised the Public³ that, as well as taking the form of advice notes and practice notes, ‘supplementary planning guidance’ can take the form of –
 - 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; and
 - Masterplans, development frameworks and planning briefs provide more detailed information and guidance about the development of specific sites and areas of the Island.
 5. After a reported lack of resourcing stalled the progress of the development plan for the Bay, former Deputy Young sought funding for the project, along with other apparently underfunded environmental projects⁴, in the form of a proposed amendment to the [Medium Term Financial Plan 2013 – 2015](#)⁵.

³ <http://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/SPG-List%20of%20Current%20SPG%20-%20CURRENT.pdf>

⁴ ‘Island Plan 2011 Implementation. £100,000 – to deliver and implement the outstanding and overdue policy requirements of the Island Plan 2011, including master-plans, parish and local development plans, supplementary planning guidance and a replacement policy for the delivery of affordable housing’

⁵ [Medium Term Financial Plan 2013 – 2015 \(P.69/2012\): second amendment](#), lodged *au Greffe* on 22nd October 2012)

6. In response to this, the Council of Ministers proposed alternative funding measures in the Addendum to the Medium Term Financial Plan 2013 – 2015 ‘through a combination of funding routes including the central planning vote, allocations for back to work and employment initiatives and the opportunity to carry forward 2012 overspends’⁶ to fund ‘outstanding and overdue policy requirements of the Island Plan 2011, including master-plans, parish and local development plans, supplementary planning guidance and a replacement policy for the delivery of affordable housing’.
7. In the absence of the local development plan having been progressed at the time, the States Assembly approved an amendment⁷ of former Deputy Young in 2014 amending the policy in the Island Plan 2011: revised draft revision – approval ([P.37/2014](#)) applying to the Bay’s Shoreline Zone, with the aim of restricting unsympathetic development in the Bay.
8. In their Report of July 2014, the independent planning inspectors recommended that –
 - (a) the change to the Shoreline Policy applying to the Bay should not be changed in the way that Deputy Young had proposed, because they were very clear that it would be ‘inappropriate and which might have unintended and perverse consequences’; and
 - (b) that the local development plan for the Bay be completed ‘as a matter of some urgency’ to provide a more sophisticated and relevant policy framework based on specific local circumstances’.
9. Following the inspectors’ report in 2014, former Deputy R.C. Duhamel of St. Saviour, the Minister for Planning and Environment at the time, successfully passed an amendment (to Deputy Young’s amendment)⁸ in the States Assembly only for the partial reversal of the amendment to the Bay’s Shoreline Zone.
10. The reason that the former Minister gave for recommending that the States Assembly take such action was that the development of new planning guidance for the Bay would ‘take some time’. The Minister proposed the change to the Shoreline Zone solely ‘as an interim measure, to contemplate some form of temporary policy provision to help assuage local concerns about the regulation of excessive forms of development, whilst also seeking to provide assurance to those in the tourism industry, that they can continue to invest in and improve their product without compromising any reasonable development aspirations they might have, either within the industry or through a change of use of land or buildings’.
11. In the Report accompanying his amendment, the former Minister stated that his intention in making it was that the operation of the amendment would be reviewed at the next Island Plan review in 2020, with a view to its removal, when the new supplementary planning guidance for St. Brelade’s Bay should have been prepared, adopted and implemented.

⁶ [Medium Term Financial Plan 2012 – 2015 \(P.69/2012\): addendum](#)

⁷ [Island Plan 2011: revised draft revision – approval \(P.37/2014\) – sixth amendment](#)

⁸ [Island Plan 2011: revised draft revision – approval \(P.37/2014\) – sixth amendment \(P.37/2014 Amd.\(6\)\) – amendment](#)

12. On 2nd June 2015, the Department of the Environment proposed to a meeting of the Parish of St. Brelade that the Parish itself and the local community provide funding for a temporary form of supplementary planning guidance, taking the form of design guidance alone, indicating that such a planning tool was within the context of Proposal 16 of the Revised 2011 Island Plan for a local development plan for the Bay. This was not the proposed planning framework for the Bay that was approved by the States Assembly.
13. A working party established by the Connétable of St. Brelade to review the proposal has questioned the wisdom of developing a planning tool addressing the scale of buildings in the Bay outside the context of a local development plan. Such a planning tool would need to anticipate the local development plan's vision of the extent to which land in the Bay currently taking the form of tree or other landscape cover should be permitted to be covered with buildings.
14. The proposal advanced by the Department of the Environment indicates both a lack of intention and inadequate funding to advance the Bay's local development plan, despite the support for the plan by successive States Assemblies; the alternative funding measures proposed by the Council of Ministers in the Addendum to the Medium Term Financial Plan 2013 – 2015; the inspectors' recommendation; the continued development of sites in the Bay in the absence of a local development plan for the Bay; the removal of tree cover in the Bay affecting its landscape setting; and the States Assembly having been persuaded to support an amendment to policy applying to the Bay that is 'inappropriate and which might have unintended and perverse consequences.'
15. The lack of specific funding for the Local Development Plan is likely to mean that the development of new planning guidance for the Bay will take more than 'some time', as the project has yet to be started.

Context of the Local Development Plan within the MTFP

1. Two of the key priorities of the Council of Ministers, as set out in the 2015 to 2018 Strategic Plan are to achieve 'sustainable public finances' and to 'optimise economic growth'. The Strategic Plan has sought to boost economic growth through a fiscal stimulus package that is very much focused on the finance industry and competing in the technology sector, with substantial funding of the Jersey Development Company, which has been conspicuously active in the task set for it of creating a new finance centre in St. Helier, and of *Digital Jersey*.
2. Another priority of the Strategic Plan is the 'improvement' of St. Helier. This appears to be largely in support of the finance industry, again. The Plan states that 'Business leaders and skilled workers consider quality of life when deciding where to locate. We need to protect our beautiful natural environment while capitalising on a key asset that has so much more to offer: the town of St. Helier.'
3. The Island's 'unique environment' is one of the 'firm foundations' recognised by the Chief Minister in the foreword to the Strategic Plan. One of the consequences of attracting more immigrants to the Island is an increased

pressure to develop its green spaces to accommodate them, whether they are workers in the finance industry or multi-millionaires.

4. This, in turn, requires the Island's 'beautiful natural environment' to be compromised. The Planning and Building (Jersey) Law 2002 and Revised 2011 Island Plan contain the current strategy of the States on the extent to which the Island's current 'natural beauty, access to countryside, coast and sea, and the lifestyle these natural assets afford' should be eroded to accommodate the demands of the Island's economy.
5. In the case of the Bay, only a small amount of which is in the National Park, the extent to which its landscape should be protected is currently unclear. Despite policies in the Revised 2011 Island Plan intended to preserve the Bay's landscape setting having been described by the former Minister as 'robust', a lack of resources within the Department of the Environment has prevented it from using the measures available to it as proactively as it might otherwise do.
6. Earlier this year, the UK electorate voted to leave the European Union, creating uncertainties for the Island's financial sector. The ability of Digital Jersey to enable the Island to compete successfully in the field of technology, which is dominated by much bigger players, remains to be seen. Conversely, the subsequent weakness of the pound has created opportunities for tourism in Jersey.
7. The Strategic Plan states one of its desired outcomes to be to 'Promote higher productivity in all economic strategies, including the new Tourism, Retail and Rural Economy Strategies.'
8. The responsibilities of Economic Development, Tourism, Sport and Culture ("EDTSC") include overseeing *Visit Jersey* to promote Jersey as a visitor destination. The Destination Plan published by *Visit Jersey* has set out a target for the agency to increase the number of visitors to Jersey to one million a year before 2030. Its Business Plan for the 2nd half 2015 to 2020 has stated that its long-term tourism strategy has the objective of attracting 800,000 visitors spending £310 million by 2020.
9. *Visit Jersey* has indicated that, to do this, it will broaden Jersey's visitor base, build its international image, engage more with its travel partners, expand its digital channel activities and support improvements in making it easier to get to Jersey. While *Visit Jersey* has acknowledged that supporting Jersey's visitor economy is more than a marketing campaign, questions remain as to how the Island's infrastructure will be developed to accommodate the projected increased number of visitors and what measures need to be taken to preserve its natural assets in a way that will support this objective.
10. The need for the States of Jersey to preserve and enhance the natural assets referred to in the 2015 – 2018 Strategic Plan therefore is becoming ever more apparent, and the Ministry has an important role in this, extending beyond the improvement of St. Helier. With its powers to restrict or influence development in the Island, it also has an important part to play in supporting tourism to optimise economic growth, that goes beyond the 3 specific policies in the Island Plan (Policies EVE1, 2 and 3) that address areas of the Island identified as 'Tourist Destination Areas'. In aiming to preserve a beneficial environment for

Islanders, the Ministry contributes to the health and well-being of Islanders and the Island's workforce too.

11. The Bay's beach was awarded the recognition of being the third best beach in a well-known website's 'Travellers' Choice' awards. Yet, in 2011, and in response to a previously identified housing crisis, St. Brelade's Bay was designated as a Built-Up Area in the Island Plan. As such, a presumption to increase building density applies to the Bay, despite its development land having become of such a high premium that development of affordable housing in the Bay area would be uneconomic and unlikely. On the other hand, it is becoming increasingly attractive to speculative developers whose motivation for development is not to support the tourist industry.
12. The development of a 'more detailed planning framework for the area, and specifically the defined Built-Up Area, including those parts of the Built-Up Area within the Green Backdrop and Shoreline Zones, to ensure that current and future pressure for the development and redevelopment of existing buildings in particular is sympathetic to its context and does not detract from the visual amenity of the Bay; and the public enjoyment of it is now public policy (paragraphs 4.86 and 4.87 of the Revised 2011 Island Plan) and the subject of Proposal 16 of the Revised Island Plan.
13. The Ministry's published Business Plan for 2016 includes, under reference PP1, the activity of developing and maintaining legislative framework to protect and enhance the Island's natural, built and historic environment and, as one of its performance indicators, to 'Assist the development, assessment and adoption of Village Plans and other community-sponsored SPG (e.g. St. Brelade's Bay).
14. The Bay's Local Development Plan would give the Bay's tourist businesses the opportunity to promote measures and planning strategies designed to assist the growth of businesses that are largely reliant on the preservation of the Bay's natural setting.
15. However, there is no current specific provision in the MTFP or the Ministry's budget for the Bay's Local Development Plan, and the recent actions of the Ministry indicate that it is not intending to seek one, fuelling community fears that inadequate support is being provided to protect the Bay's natural assets and the Island's tourist industry.

Financial and manpower implications

Previous propositions relating to the project have indicated that the ability for this work to be resourced from within the resources of the Department of the Environment will be reviewed by the Minister for Planning and Environment, in partnership with other key stakeholders such as the parochial authorities, during the Plan period.

In their Report of July 2014, the independent planning inspectors stated that the former Minister 'accepted the process needs to be professionally led'.

The provision sought in this amendment anticipates the engagement of appropriate professionals to oversee a survey of the Bay, building on information provided in other reports commissioned by the Ministry, and to engage with local stakeholders and the

wider community, in developing a plan that would include the setting of further parameters for building development, measures to preserve the Bay's landscape in accordance with a building/landscape cover ratio, a landscape plan and design guidance, whilst also paying attention to the value of St. Brelade's Bay as a tourist destination.

It is estimated that this will require an additional £100,000 to be withdrawn from the Central Contingency Allocations, possibly with a contribution from the Economic Development Department's Economic and Productivity Growth Drawdown Provision, and that the project will require additional organisation and on-site supervision, for which it is envisaged that 2 short-term additional contract appointments are likely to be required and, possibly, a longer term appointment to enable the Planning Department to be more responsive to the enforcement of landscape policies applying to the Bay.

It may be possible that these might be arranged through an appropriately experienced local third sector organization, but this is still to be determined. The skills required to produce the local development plan are likely to require a non-local engagement. It is believed there should be no other staffing implications, since the Island Plan work and environmental studies are suitable for contracting out.