

STATES OF JERSEY



ISLAND PLAN 2011: REVISED DRAFT REVISION – APPROVAL (P.37/2014) – SIXTH AMENDMENT (P.37/2014 Amd.(6)) – AMENDMENT

**Lodged au Greffe on 14th July 2014
by the Minister for Planning and Environment**

STATES GREFFE

ISLAND PLAN 2011: REVISED DRAFT REVISION – APPROVAL (P.37/2014) –
SIXTH AMENDMENT (P.37/2014 Amd.(6)) – AMENDMENT

1 PAGE 2, AMENDMENT (a) –

In the inserted paragraph 4.100, delete the words “; and/or the extension of existing buildings”, and for the words “The design and scale of any extension in this part of the bay should remain subservient to the existing building and should not disproportionately increase its size. The cumulative enlargement of buildings over time will be also be a material consideration” substitute the words –

“4.101 Following the development and adoption of supplementary planning guidance for St. Brelade’s Bay, proposed under Proposal 14 of the Plan, this particular policy provision will be reviewed when the Plan is next revised”

and renumber subsequent paragraphs accordingly.

2 PAGE 2, AMENDMENT (b) –

Delete the words –

- “5. the extension of a dwelling, where the proposal:
- a. is not subservient to the existing building in terms of design and scale;
 - b. is not designed appropriately relative to existing buildings and its context;
 - c. having regard to its planning history, disproportionately increases the size of the building in terms of any of its gross floorspace, building footprint or visual impact.”.

MINISTER FOR PLANNING AND ENVIRONMENT

This amendment has been lodged by the Minister for Planning and Environment for less than 6 weeks before the start of the debate in accordance with the provisions of Article 4A of the Planning and Building (Jersey) Law 2002. Paragraphs 4A(2), (3) and (4) are in the following terms –

“4A Procedure for and following lodging of draft Island Plan

- (2) An amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 8 weeks.

- (3) An amendment to an amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 6 weeks.
- (4) Paragraph (2) or (3) does not apply to an amendment lodged by the Minister if the States agree that the amendment may be debated forthwith or on a day or at a time approved by the States.”

In accordance with the provisions of paragraph (4), the Minister for Planning and Environment will seek the agreement of the States to debate this amendment during the debate on P.37/2014: Island Plan 2011: revised draft revision – approval.

REPORT

Summary

Whilst I consider that the existing planning policy framework for St. Brelade's Bay is robust, I am willing to support the inclusion of an interim policy provision in the Island Plan. This will provide decision-makers with a *qualified* policy tool that enables them to better regulate the scale of redevelopment (i.e. demolition and replacement of buildings) in the sensitive coastal strip of St. Brelade's Bay that is embraced by the Shoreline Zone.

My further amendment seeks to do this, and is framed in a way that does not prejudice the ability of the tourism industry to continue to invest and develop their buildings in the bay, or to consider their use for other purposes: this addresses, therefore, the issues raised by the independent Planning Inspectors in their review of the original amendment and the evidence submitted to them.

Detailed response

As stated in my initial response to States Members' amendments, I remain of the view that there is a robust policy framework for St. Brelade's Bay in the existing Island Plan; and in particular, the essential landscape character of the bay, comprising the headlands and wooded slopes, are adequately protected.

That aside I, like many others, recognise the significance and value of the environment of St. Brelade's Bay to those who live there, as well as to the many residents and visitors who enjoy what the bay has to offer. I am also aware of the concern expressed by some people that excessive or inappropriate forms of development here have the potential to damage the bay's essential character.

I am of the view that there is considerable opportunity to improve and enhance the built forms of development in the bay and to enhance its overall amenity, and I remain willing to work with any local group to help develop new planning guidance and tools to do this. I have already held useful discussions with the Connétable of the parish and Deputy J.H. Young of St. Brelade to this effect, and have agreed how we might take the initial steps to move this forward together, with the professional support of my Department and the engagement of local people, including business and residents.

The development of new guidance will, however, take some time and I am prepared, 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.

In light of the above, I am proposing a further amendment to Deputy Young's amendment for Policy BE4 and the Shoreline Zone in St. Brelade's Bay. The effect of this is to ensure that there is a policy tool specifically focussed on the redevelopment of existing buildings, involving their demolition and replacement (both commercial and residential), to limit the scale of new development to that which already exists.

It is important to recognise, however, that this is **not** an absolute and definitive constraint, as it is qualified with the word ‘normally’ which will enable, where there is appropriate justification, exceptions to be made in respect of this objective parameter of assessment. It does, however, provide an additional policy tool for decision-makers to regulate what might otherwise be considered to be ‘rampant’ or ‘excessive’ levels of redevelopment in the sensitive coastal strip of St. Brelade’s Bay that is embraced by the Shoreline Zone.

It is also important to state that this further amendment will not prejudice the economic viability of hotels or business here and/or their ability to extend and/or change the use of land and buildings.

The addition of this policy provision does not embrace extensions to existing buildings (as there is already a robust policy framework to deal with this), and neither does it preclude a change of use (which, in the case of non-tourist accommodation, would be considered under the auspices of Policy E1: Employment land, a policy which does not apply to the change of use of hotels and other tourist accommodation). The concerns reflected by the independent Planning Inspectors in this respect are thus not material in respect of the proposed amendment.

My intention in making this amendment is that the operation of this additional policy provision for the Shoreline Zone in St. Brelade’s Bay would be reviewed at the next Island Plan review, with a view to its removal, when new supplementary planning guidance for St. Brelade’s Bay should have been prepared, adopted and implemented.

Financial and manpower implications

There are no direct financial or human resource implications arising from this further amendment.