

STATES OF JERSEY



ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – ONE HUNDRED AND SECOND AMENDMENT PROTECTING LANDSCAPE AND SEASCAPE CHARACTER

**Lodged au Greffe on 28th February 2022
by the Minister for the Environment**

STATES GREFFE

ISLAND PLAN 2022-25: (P.36/2021) – ONE HUNDRED AND SECOND
AMENDMENT

PAGE 2 –

After the words “the draft Island Plan 2022-25” insert the words “except that –

- (a) within Policy PL5 – Countryside, coast and marine environment on page 76 of the draft bridging Island Plan, the second sentence of the first paragraph should be substituted with the following –

“They should also protect or improve the special landscape and seascape character of the Protected Coastal Area.

In the Coastal National Park, they should similarly protect or improve its special landscape and seascape character and special qualities of the Coastal National Park and its setting and be compatible with the purposes of the park”;

- (b) at the end of the section entitled ‘Jersey Coastal National Park’, on page 71 of the draft bridging Island Plan, there should be inserted the following –

“Proposal - National park legislation

The Minister for Economic Development, Tourism, Sport and Culture will work with the Council of Ministers to bring forward, for approval by the States Assembly, proposals for the establishment of a national park in law, with appropriate provisions and mechanisms to:

- a. define the purposes of a national park in Jersey;
 - b. determine its appropriate governance, in order to secure the purposes of the park;
 - c. determine the spatial extent of the park;
 - d. manage land and activities within the park in accord with its purposes; and
 - e. ensure public and stakeholder engagement and consultation on all matters associated with national park.
- (c) within Proposal – Change permitted development rights in the Coastal National Park, on page 116 of the draft bridging Island Plan, the words “Coastal National Park” should be replaced with the words “Protected Coastal Area” each time they appear;
- (d) within Policy NE3 – Landscape and seascape character on page 118 of the draft bridging Island Plan, the second paragraph should be substituted with the following –

“The highest level of protection will be given to the Protected Coastal Area, and its setting.

The highest level of protection will also be given to the Coastal National Park, and its setting, and additionally development within it should protect or improve its special qualities and be compatible with the purposes of the park including:”;
and

- (e) the draft bridging Island Plan 2022-25, including the Proposals Map – Planning Zones, be further amended in such respects as may be necessary consequent upon the adoption of (a)-(d).”

MINISTER FOR THE ENVIRONMENT

Note: After this amendment, the proposition would read as follows –

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

to approve, in accordance with Article 3(1) of the Planning and Building (Jersey) Law 2002, as amended by the Covid-19 (Island Plan) (Jersey) Regulations 2021, the draft Island Plan 2022-25, **except that –**

- (a) within Policy PL5 – Countryside, coast and marine environment on page 76 of the draft bridging Island Plan, the second sentence of the first paragraph should be substituted with the following –

“They should also protect or improve the special landscape and seascape character of the Protected Coastal Area.

In the Coastal National Park, they should similarly protect or improve its special landscape and seascape character and special qualities of the Coastal National Park and its setting and be compatible with the purposes of the park”;

- (b) at the end of the section entitled Jersey Coastal National Park, on page 71 of the draft bridging Island Plan, there should be inserted the following –

“Proposal - National park legislation

The Minister for Economic Development, Tourism, Sport and Culture will work with the Council of Ministers to bring forward, for approval by the States Assembly, proposals for the establishment of a national park in law, with appropriate provisions and mechanisms to:

- f. define the purposes of a national park in Jersey;
- g. determine its appropriate governance, in order to secure the purposes of the park;
- h. determine the spatial extent of the park;
- i. manage land and activities within the park in accord with its purposes; and
- j. ensure public and stakeholder engagement and consultation on all matters associated with national park.

- (c) within Proposal – Change permitted development rights in the Coastal National Park, on page 116 of the draft bridging Island Plan, the words “Coastal National Park” should be replaced with the words “Protected Coastal Area” each time they appear;

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- (e) the draft bridging Island Plan 2022-25, including the Proposals Map – Planning Zones, be further amended in such respects as may be necessary consequent upon the adoption of (a)-(d).

REPORT

It is appropriate and necessary to bring forward this amendment in order to ensure the better protection of the best of Jersey's coast and countryside.

This is a critical element in the development of the draft bridging Island Plan, particularly when the draft plan is also required to release greenfield land for the development of affordable homes.

I am required to bring forward a sustainable development plan and this can only be achieved if the requirement for new development is balanced with better protection for the best and most outstanding areas of landscapes and seascape character in the bailiwick.

Quality of landscape and seascape quality

Jersey's Coastal National Park was originally established in 2011, with its extent informed by the original Countryside Character Appraisal (1999)¹, embracing those parts of the island of highly sensitive and most valuable landscape quality.

The draft bridging Island Plan proposed the revision of the spatial extent of the park drawing on the more recent Integrated Landscape and Seascape Character Assessment (ILSCA)² and the Coastal National Park Boundary Review³.

This proposal sought to extend the park boundary to more comprehensively embrace those parts of the island that are of outstanding landscape quality and, most significantly, include the island's unique intertidal zones and the shallow waters around its offshore reefs, which are of outstanding seascape character.

Methodology and process

The work to define the extent of those parts of the bailiwick that are of outstanding landscape and seascape quality has been carried out by professionals with extensive expertise and experience in landscape and seascape character assessment based on adopted methodologies and best practice. The work, involving extensive fieldwork and map-based assessment, is founded on a solid, robust and up-to-date evidence base. The ILSCA – which won the Royal Town Planning Institute Southwest Region Award for Planning Excellence in 2021 – has informed the boundary review for the proposed extension of the Coastal National Park.

The process of bringing forward and setting out this proposal has involved extensive consultation. In all meetings with parishes during the draft plan preparation, the proposed extension of the CNP was tabled, and the evolution of the proposal shared. Key stakeholders were involved in a workshop, arranged despite the challenges of Covid-19; and the detailed definition of the proposed extension, together with the planning policy regime that would apply to it, has been open to public consultation for the prescribed period of 12 weeks as part of the statutory consultation on the draft Island Plan.

Planning objectives

The draft Island Plan makes it explicit that the primary purpose of the proposed extension of the CNP is to afford the highest level of protection from development to the landscape and seascape character of this area. This is based on the outstanding value

¹ [Countryside character appraisal \(1999\)](#)

² [Jersey Integrated Landscape and Seascape Character Assessment \(2020\)](#)

³ [Jersey Coastal National Park Boundary Review \(2021\)](#)

of that character – as assessed by the ILSCA – and the fact that it is sensitive to the impact of development and has a limited capacity to accommodate new development without harm to that character.

This objective for the designation is explicitly stated in the draft plan and is the principal focus of the planning policy regime set out in the plan, principally represented by Policy NE3: Landscape and seascape character. This clearly states that the highest level of protection will be given to the protection of landscape and seascape character in the CNP.

I am strongly of the view that there is a need to ensure that Jersey’s special landscapes enjoy the highest levels of protection. Whilst there have been some prominent development schemes that have drawn much public interest, the continued need for development in the island means that there is constant pressure on the coast and countryside. This is manifest as a gradual ‘creep’ of development and a suburbanisation of the landscape, with a loss of the inherent character and qualities that contribute to that character. This justifies the need for higher levels of protection for those areas of outstanding value in the countryside not currently embraced by the CNP.

I have provided examples of the type of development being experienced throughout the island during the current plan period, which supports the need for better protection for our most sensitive landscapes and seascapes⁴.

Managing risk

The issues of the outstanding quality of the island’s landscape and seascape character; the process and methodology for assessment and consultation; and the reasons for and purposes of the planning policy regime to be applied to this extended area have all been the subject of examination by independent planning inspectors.

This is what the inspectors said in their report to me, about the proposal to extend the Coastal National Park to better protect the best of the island’s landscape and seascape character, in relation to each of these aspects:

“we agree with the Minister that the areas of agricultural land within the extended area are of outstanding quality...that it is entirely appropriate to protect”.

“in general we consider the new boundaries to be based on sound evidence and to be appropriately drawn”

“while there were some concerns about the level of publicity the revised Park boundary received, the Minister did hold a stakeholder workshop and all statutory consultation requirements were fully met, including the publication of the Proposals Map with the DBIP, which showed very clearly the proposed new extent of the CNP”

“we agree with the Minister that an extended area of the CNP would not diminish its effectiveness in protecting the best landscape on the island.”

Despite this, it is evident that there remains a strong body of opinion that has not objectively considered the basis of and justification for the proposed extension of the CNP. It has inappropriately conflated issues which do not form any part of the Island Plan - related to land management and conferring public access – with the intention of the draft plan to better protect our best landscapes through planning policy; and to disregard the process of review, assessment and consultation.

⁴ [WQ.47-2022 \(14 Feb 2022\)](#)

This is unfortunate and presents a major risk to the plan's key objective of delivering enhanced protection for Jersey's very best landscapes. This is a critical element of the draft plan.

I am, therefore, proposing, by way of this amendment, an alternative approach which addresses – by entirely removing and negating the perceived threats associated with the extension of the CNP – to simply provide a new planning policy zone to protect the island's best areas of landscape and seascape character. This will cover the area of the current and proposed extension to the Coastal National Park and will be called the Protected Coastal Area (PCA). The effect of the introduction of this new planning policy area is set out below.

Alternative approach

In the draft plan it is proposed that all development proposals outside the built-up area, are subject to the policy provisions of Policy NE3: Landscape and seascape character. This requires applicants to demonstrate that their proposal does not harm landscape or seascape character. As a consequence of this amendment, the planning policy regime for development in and around the island's coast and countryside (i.e. anywhere outside the built-up area) can be summarised as follows:

- **the Protected Coastal Area (PCA)** will provide the highest level of protection for the island's best landscape and seascape character areas under Policy NE3. It will include that area that was proposed to embrace the existing CNP and the extension to it, including parts of the island's marine environment;
- **the Coastal National Park (CNP)** will remain as it is – based on the boundaries established in 2011. It will effectively become an area that sits within the Protected Coastal Area (PCA) i.e. it will be a subset of it. Consequently, the CNP will continue to enjoy the highest level of protection for its landscape and seascape character under Policy NE3. Development within the CNP will also, however, be required to protect or improve its special qualities and be compatible with the purposes of the CNP. This remains unchanged from the position set out for the CNP under the current Island Plan;
- **the green zone**, will cover the rest of the countryside, where landscape character will remain protected under Policy NE3, but where the landscape character is less sensitive and more able to accommodate change.

The proposed planning zones are illustrated at appendix 1.

Future legislative change

Because of the special quality of the landscape in the island's outstanding landscape character areas, we need to undertake further work to explore whether changes should be made to the rules which govern whether planning permission is required for minor works to buildings and places here. This will require change to secondary legislation⁵ and will, as a necessity, involve consultation with people who live and work in the area, as well as those who visit and use it, or have an interest in its protection. The regulatory impact of any such change would also need to be part of this consideration. The proposal to review permitted development rights is already a proposal in the current Island Plan.

I am also happy to support the type of proposal, put forward by Deputy Renouf to explore whether a national park in Jersey requires a statutory basis, and to decide whether this a proportionate response in the context of a small island.

⁵ [Planning and Building \(General Development\) \(Jersey\) Order 2011 \(jerseylaw.je\)](#)

This is not a planning issue – given that the planning policy regime for any area in the island is clearly established by the Island Plan – and any such work would be most appropriately developed by the Minister for Economic Development, Tourism, Sport and Culture.

Conclusion

To ensure that the new Island Plan provides better protection for its most outstanding areas of coast and countryside – and to set aside the misplaced yet perceived threats associated with the proposed extension of the Coastal National Park, around land management and public access – I am proposing to take forward a new, simple planning zone: **the Protected Coastal Area (PCA)**.

This is based on sound and objective analysis of the island’s outstanding landscape and seascape character areas, the extent of which has been the subject of detailed scrutiny and consultation and will be given effect by amendment to policies PL5 and NE3. The proposed changes to these policies are shown at appendix 2.

The Coastal National Park will retain its current boundaries and simply become a planning zone within the Protected Coastal Area (PCA), where its landscape character will continue to enjoy the highest level of protection but also where development should be compatible with the purposes of the park. **It will become a subset of the Protected Coastal Area (PCA)**.

The planning inspectors suggested that the introduction of a new planning zone might unnecessarily complicate the planning policy regime in the countryside. I do not believe that to be so: we have had many more planning zones in earlier iterations of the Island Plan. This amendment effectively retains two key zones – being the Protected Coastal Area (PCA), where there is the highest protection for landscape character; and the green zone where landscape character still enjoys protection. The Coastal National Park (CNP) remains unchanged and sits as a subset of the Protected Coastal Area (PCA).

Deputy Renouf’s proposal to explore a statutory basis for the CNP that still remains, and which might itself be expanded in the future, is also captured as part of this amendment. This deals with matters of defining the purpose of a park; land management within it; governance; and matters of engagement. Planning issues would be remain to be addressed, as part of the Island Plan, as they always have been.

I believe that this outcome can deliver the much-needed enhanced level of protection that our most valuable coast and countryside deserves enabling the sustainable development of the island to best meet our development needs.

Financial and manpower implications

There are no direct financial and manpower implications.

CRIA statement

The effect of this amendment is in positive alignment with the [Minister’s published CRIA](#), and will seek to ensure the protection of the island’s best landscapes and seascapes for the benefit of all islanders, including children.

Appendix 1: Proposed planning zones

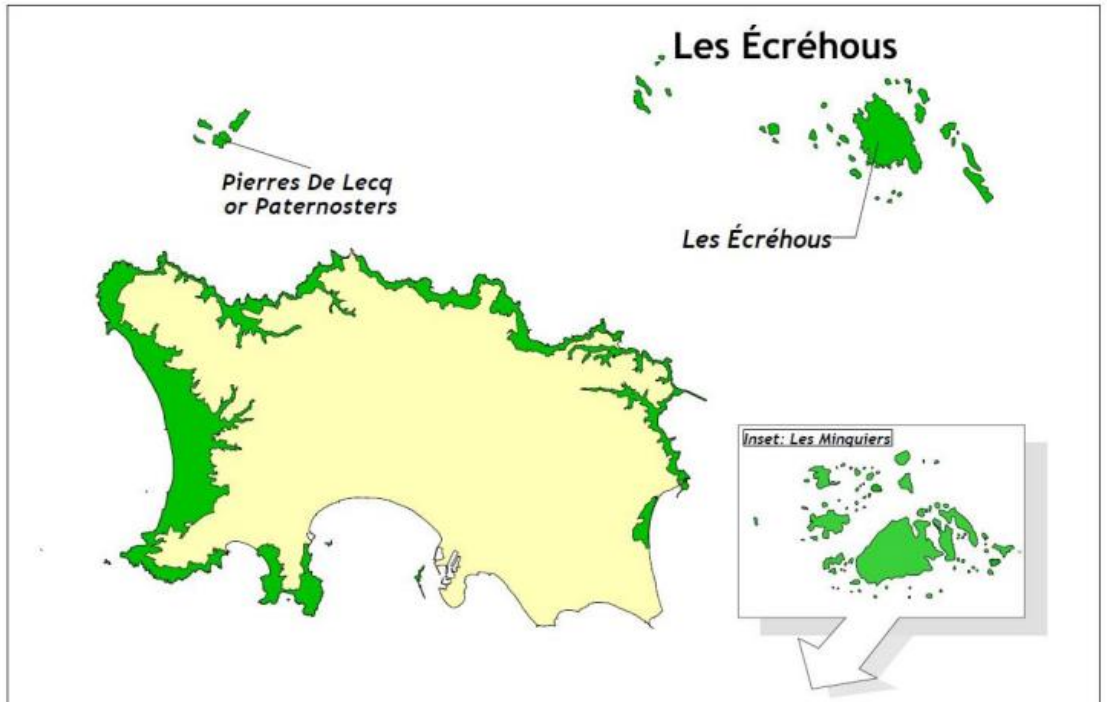


Figure 1: Coastal National Park (unchanged, and to remain as is. It simply becomes a subset of the Protected Coastal Area)

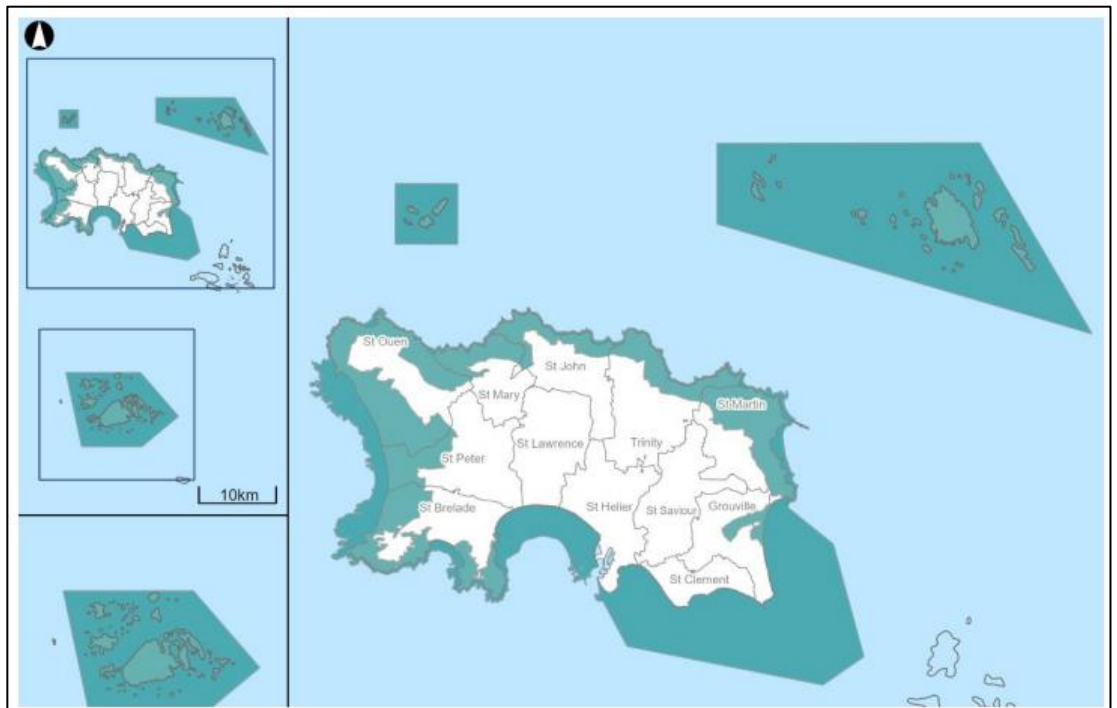


Figure 2: Protected Coastal Area (PCA) which embraces all of the bailiwick's outstanding landscape and seascape character areas

Appendix 2: Amended planning policies and proposals

Policy PL5 - Countryside, coast and marine environment (part)

Development proposals in the countryside, around the coast and in the marine environment should protect or improve its character and distinctiveness. ~~Where relevant t~~

They should also protect or improve the special landscape and seascape character of the Protected Coastal Area.

In the Coastal National Park, they should similarly protect or improve its special landscape and seascape character and special qualities of the Coastal National Park and its setting and be compatible with the purposes of the park....

Policy NE3 – Landscape and seascape character (part)

Development must protect or improve landscape and seascape character.

The highest level of protection will be given to the Protected Coastal Area Coastal National Park, and its setting.

The highest level of protection will also be given to the Coastal National Park, and its setting, and development within it should protect or improve its special qualities and be compatible with the purposes of the park including:

- a. the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the park, and
- b. the public understanding and enjoyment of its special qualities

Proposal – Change permitted development rights in the Protected Coastal Area Coastal National Park

The Minister for the Environment will explore changes to permitted development rights in the Protected Coastal Area Coastal National Park in order to better protect its fragile and sensitive landscape character. This will include consultation with stakeholders on any proposed changes to the Planning and Building (General Development) Order.

Proposal - National park legislation

The Minister for Economic Development, Tourism, Sport and Culture will work with the Council of Ministers to bring forward, for approval by the States Assembly, proposals for the establishment of a national park in law, with appropriate provisions and mechanisms to:

- a. define the purposes of a national park in Jersey;
- b. determine its appropriate governance, in order to secure the purposes of the park;
- c. determine the spatial extent of the park;
- d. manage land and activities within the park in accord with its purposes; and
- e. ensure public and stakeholder engagement and consultation on all matters associated with the national park.