

STATES OF JERSEY



ISLAND PLAN 2011: APPROVAL (P.48/2011): THIRTY-EIGHTH AMENDMENT

Lodged au Greffe on 26th April 2011
by the Connétable of St. Helier

STATES GREFFE

1 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy GD1 – General Development Considerations (page 55), in paragraph 5c, after the words ‘space for parking’ insert the words ‘, including for visitors and servicing.’ ”.

2 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy GD3 – Density of Development (page 59), after the words ‘commensurate with good design’ insert the words ‘, adequate amenity space and parking.’ ”.

3 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy GD4 – Planning obligations (page 61), in the second paragraph, after the word, ‘including’ insert the words ‘the provision of amenity space, public parking.’ ”.

4 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy GD9 – Signs and advertisements (page 69) at the end of the Policy insert a new paragraph as follows –

‘The implementation of a network of pedestrian and cycle routes, particularly in urban areas, may require extensive signage to ensure awareness and safety. Transitional and/or time-limited signage may be approved that is larger and more intrusive than would otherwise be approved.’ ”.

5 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy NE8 – Access and awareness (page 105) after the words, ‘coast and countryside’ insert the words ‘, and which assist in the provision of the Island’s provision of off-road walking and cycling routes.’ ”.

6 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy HE1 – Protecting listed buildings and places (page 112) at the end of the Policy insert a new paragraph as follows –

‘Planning applications in respect of listed buildings or places will be exempt from planning fees where such fees would not have been payable were the building or place not listed.’ ”.

7 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words except that –

- (a) “in Objective BE2 – Regeneration of St. Helier objectives (pages 128–129), after paragraph 5 insert a new paragraph as follows –
‘Promote and enable access to the countryside for the residents of St. Helier through the creation of a St. Helier Country Park’;
- (b) in Proposal 9: Public Realm Strategy (page 135) after the words ‘of St Helier’s public realm.’ insert a fifth bullet point as follows –
‘Consult upon and develop the proposal to designate a St. Helier Country Park in the countryside immediately to the north of the Town as shown on the Map attached at Appendix 1’ ”.

8 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Objective BE2 – Regeneration of St. Helier objectives (pages 128–129) for paragraph 8 substitute the following paragraph –

- ‘8. Create a ‘walkable’ and ‘cyclable’ town – with a permanent and continuous network of safe and continuous routes for pedestrians and cyclists to help promote modal change in transport choices;’ ”.

9 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy BE1 – Town centre vitality (pages 136–137) –

- (a) after paragraph 6 insert new paragraphs as follows –
 - ‘7. support the provision of improved cycling and public transport links serving the Core Retail Area;
 - 8. support the provision of adequate off-street parking for shoppers and visitors to the Core Retail Area;’ ”.

and renumber the following paragraphs accordingly;
- (b) in paragraph 7(d) (as originally numbered) after the word ‘pedestrians’ insert the words ‘and cyclists;’ ”.

10 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Proposal 11 – St. Helier Regeneration Zones (page 148) after the words ‘5. Old Harbours’ insert a new area as follows ‘6. Eastern gateway’, and modify Map 4.1 accordingly as shown on the map attached at Appendix 2.”

11 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy BE7 – Shop fronts (page 162) at the end of paragraph 1 delete the word ‘and’, and insert a new paragraph as follows: ‘2. it improves facilities for the storage and collection of refuse, including recyclables; and’ and renumber the following paragraphs accordingly.”

12 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy BE9 – Street furniture and materials (page 164) –

- (a) in paragraph 4, after the words ‘street trees’ insert the words ‘and benches’;
- (b) after paragraph 4 insert a new paragraph as follows –
 - ‘5. street trees are planted in the ground rather than in planters wherever possible.’ ”.

13 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy ER2 – Protection and promotion of St. Helier for shopping (page 184) –

- (a) after the words, ‘facilities for shoppers’ in the first paragraph insert the words ‘, including provision of off-street parking for shoppers, and permeable access for cyclists, where possible.’;
- (b) after the second paragraph insert a new paragraph as follows –
 - ‘Proposals for the refurbishment or extension of pre-existing retail premises outside the Core Retail Area will be permitted provided that the development accords with other retail policies of the Plan’ ”.

14 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy ER6 – Take-away food outlets (page 188) after the words ‘General development considerations’ at the end of the first paragraph, insert the words: ‘, and having regard to their impact on neighbouring uses, especially residential accommodation.’ ”.

15 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy EVE2 – Tourist Destination Areas (page 220) at the end of the third bullet point, after the words ‘public transport users’ insert the words ‘and associated signage’ ”.

16 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in section 8.36 – Footpath provision and enhancement (page 300) delete from the list of improvement lines to be abandoned ‘La Pouquelaye’ and ‘Tower Road’.”.

17 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy TT2 – Footpath provision and enhancement (page 301) –

- (a) In the title, after the word ‘enhancement’ insert the words ‘, and walking routes’;
- (b) after the first paragraph, insert a new paragraph as follows –

‘The ability of development to contribute to the improvement of the Island’s provision of off-road walking routes will be pursued, especially where safe routes between residential areas, schools, play space, sporting and cultural facilities, et cetera. can be identified.’ ”.

18 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy TT5 – Road safety (page 309) after the words: ‘pedestrian safety measures’ in the first paragraph insert the words ‘, including improved pedestrian crossing facilities’ ”.

19 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy TT10 – Off-street public parking provision in St. Helier (page 322) –

- (a) in the first paragraph, for the words ‘unless the total level of public off-street car provision falls below 4,000 spaces (2009 levels)’ substitute the words, ‘unless the new spaces will be provided for the use of shoppers and visitors’;
- (b) in the second paragraph, after the words ‘car parking space’, insert the words, ‘at new sites capable of providing parking for shoppers, visitors and residents, and at’;
- (c) in the final paragraph, after the words ‘will not be permitted’ insert the words ‘, except where parking for shoppers, visitors and residents can be provided on a temporary basis.’ ”.

20 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in paragraph 8.119 (page 323) after the words ‘the public realm’ insert the words ‘, including the provision of cycle routes’ ”.

21 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy TT11 – Private car parks in St. Helier (page 325) after the word ‘permitted’ insert the words ‘except where the provision of such car parks will contribute to reducing vehicular penetration of, and congestion in, core areas’ ”.

22 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Proposal 20 – Parking guidelines (page 327) after the word ‘develop’ insert the words ‘, consult upon, ’ ”.

23 PAGE 2 –

After the words “the revised draft Island Plan 2011” insert the words –

“except that in Policy NR8 – Safety zones for hazardous installations (page 366) in the last paragraph –

- (a) after the word ‘public’, for the words ‘will be the overriding consideration’ substitute the words ‘and the extent to which any risks can be managed or mitigated will be the overriding considerations’;
- (b) before the word ‘requirements’, insert the word, ‘reasonable’.”

CONNÉTABLE OF ST. HELIER

REPORT

Introduction

The 2011 draft Island Plan has a lot to say about St. Helier, and I welcome many of its proposals. Not that the majority of them are new: previous versions of the Plan have backed the need to regenerate our town and to focus new development in the urban areas, not only for reasons of environmental sustainability, to safeguard the Island's countryside and beaches which are so precious to us all, but also to encourage people to choose to live in St. Helier for reasons of quality of life as well as of convenience. The fact that I have lodged more than 20 amendments to the Plan should not be taken to mean I don't support it; it's simply that important quality of life issues for St. Helier, such as open space provision, parking and safe cycling and walking, need to have more emphasis than the draft Plan currently gives them.

For the States cannot have it both ways: if St. Helier is to be expected to take the majority of the 4,000 new homes proposed for the Island in the next decade, the capital must be provided with the open space that its residents, workers and visitors need. La Collette 2 reclamation site was promised to provide 'a significant area of open space' but no longer, we are told on page 286; the Waterfront is now earmarked for a new financial quarter, leisure uses and residential accommodation, rather than generous open space which was envisaged at first; sites such as Ann Court, currently an essential car park, are due to receive dense residential developments, while the Town Park very nearly lost much of its area to flats – fortunately the combined opposition of the Parish's Deputies and Constable persuaded the Minister for Planning and Environment to rethink. St. Helier needs more open space, not less; the Millennium Town Park should be the first of several new parks to be created this century, not the last, and it is for this reason that my amendment 7 seeks to start the process of developing a Country Park for the Town.

The majority of these amendments have been considered by the St. Helier Roads Committee and helpfully modified by its members; a couple were suggested by the Committee. The amendments have also been considered by the Parish Assembly of St. Helier.

Amendments 1, 2, 3, 7: amenity and open space

These amendments seek to ensure that all Islanders, no matter where they live, are not short-changed in terms of their access to amenity space. The importance of open space is recognised in various parts of the Draft Plan, especially in Section 7. However, the results of the audit carried out by JPC Strategic Planning and Leisure Consultants referred to in pages 279–283 are ambiguous to say the least. What are we to make of the statement in paragraph 7.45, for example?

'Provision varies widely across the Island, with differences in provision in the predominantly urban parishes compared to the rural parishes. However, as the Island is relatively small and easily accessible, the provision of facilities needs to be considered on both a local level and at an island-wide level.' (p. 281)

The first sentence appears reluctant to state the obvious fact that urban dwellers have less ('different') access to open space than residents of rural communities; in 7.48 the main observations of the study include the statement that 'there is an abundance of

natural greenspace and adequate amenity greenspace provision, however, the quantity of and accessibility to open spaces of these types is more *challenging* (my italics) in urban areas’, while provision of outdoor sports facilities is sufficient ‘with some *issues of local access* (my italics) particularly in urban areas.’ (p. 282) The idea that Jersey does not necessarily need to follow UK best practice in terms of open space provision is hinted at in the next statement made by the consultants: ‘there is an under supply of parks in the Island. However, their provision needs to be taken in context with provision of other types of open space, particularly in rural areas. In urban areas under-supply of parks *may* (my italics) have more significance, particularly if future development needs are to be predominantly met in the urban areas.’ The final main observation of the study has no caveats: ‘there is an under-supply of play space across the Island.’

In section 7.49 it is acknowledged that more work is required ‘in particular, to assess the robustness and applicability of the proposed standards to the existing and future population projections for the Plan period.’ It is natural for consultants to recommend more work should be done but surely the key question facing the States in the Island Plan debate is, do we do something about the under-supply? Are we uncomfortable about the application of UK Best Practice Standards being applied to Jersey? That appears to be implicit in Proposal 18 – Open Space Strategy, which includes the proposal to ‘develop *Jersey standards* (my italics) for the provision, quality and accessibility of open space.’

Proposal to develop a St. Helier Country Park (amendment 7)

The idea that all users of the Town should be able to access such a park came from a visit I made several years ago to Eastleigh Borough Council and an introduction to the Itchen Valley Country Park, 440 acres of countryside managed and protected for the benefit of the densely populated towns and city in the immediate vicinity (<http://www.eastleigh.gov.uk/leisure-and-culture/countryside/itchen-valley-country-park/visiting-ivcp.aspx>). As I was shown this area by some Council members, I found myself wishing that St. Helier could benefit in a similar way from close and convenient access to the countryside. Accordingly, at an early stage of the consultation process, I made the suggestion that the new Island Plan should consider the opportunity of creating a new country park easily accessible from the Town. Given the findings of the audit of open space referred to above, and the stated aim of the Plan to concentrate new development in the Town area, it would seem logical that we start the consultation necessary to provide, if possible, a country park beginning at the town’s ‘back door.’

Thanks to the work of the National Trust, there are already a number of ‘Dons’ to the north of the Town, especially along Vallée des Vaux, in itself a natural gateway to the countryside. But in spite of the Green Lane network in this part of the Parish and a few woodland footpaths, there is still very little access to the countryside here; taken in conjunction with my amendments 5 and 17 this amendment, if adopted, would allow the consultation process with landowners to begin that might lead to a greater degree of access to the countryside, albeit properly managed and controlled, and the kind of safe, off-road, circular routes that have been created in the rural and coastal areas of the Island. Grands Vaux Reservoir presents a particular opportunity for increased public access as does the pond, currently cordoned off by high fencing halfway up Grands Vaux below Stafford Lane.

The area of the proposed country park shown on the map in the Appendix is for guidance only. While Vallée des Vaux and Grands Vaux have areas of woodland that seem to me to be ideal for greater public access and enjoyment, there are also potential sites in the western part of the Green Zone north of St. Helier. Consultation would also be required with the Parishes of St. Saviour and Trinity, as the proposed area impinges on these parishes to the north and east.

Amendments 1, 2, 3, 9, 13, 19, 21, 22: parking

During the last few years the St. Helier Roads Committee has been routinely rejecting planning applications for new residential developments in the parish which do not provide at least one space of off-street parking per unit of accommodation. These rejections are only advisory and the Roads Committee's concerns have been overridden frequently in the past. While it is recognised that it is not always possible to provide this standard when older properties are being refurbished, or in respect of forthcoming proposals to convert outworn offices into residential accommodation, especially in the Core Retail Area, or in Conservation Areas, the Committee believes that wherever possible, urban dwellers should be given the same right to own a private car that is enjoyed by those living in more rural areas. Indeed, given the difficulties of accessing the best of the Island's open space and outdoor sports facilities referred to in the study above, it is particularly important that this is the case. This is not to say that the strategic aim of reducing dependence on the private car is not a worthy one, although the distinction should be made between car use and car ownership. Clearly there is insufficient capacity for on-street parking to cater for the parking needs of residents of the most densely populated urban areas, which is one of the reasons why Residents' Parking Zones have been introduced by Transport and Technical Services in conjunction with the Parish in parts of St. Helier. If planning applications to increase the number of units of residential accommodation are not accompanied by an increase in off-street parking provision, the pressure for on-street spaces will only increase.

Shopper parking needs to be encouraged if town retailers in the Core Retail Area are to be able to attract customers to their shops in the face of competition from Internet shopping and out-of-town shopping facilities that offer more convenient parking. The Draft Island Plan, if unamended, would make it impossible for much-needed short-stay parking to be provided on new sites capable of serving the town centre, and would prohibit the temporary use of building sites for such uses. The construction of new private car parks can also assist in removing the need for commuters to add to the congestion of the town centre, especially in accessing the many private non-residential parking spaces that have been permitted as part of new developments, and should therefore be permitted when certain criteria are met (amendment 21).

It is accepted that the Island Plan defers the detail of future parking standards to be part of forthcoming supplementary guidelines. However, not only should there be consultation about what these standards should consist of (amendment 22), the peculiar provisions of Policy TT10 – Off-street public parking provision in St. Helier (page 322) need to be challenged. Rather than accepting the arbitrary ceiling to the number of off-street car parking spaces the town requires ('4,000 at 2009 levels'), amendment 19 seeks to allow the Minister the freedom to approve the creation of new off-street car parking spaces for the use of shoppers and visitors to the Town.

Amendments 4, 5, 8, 9, 13, 16, 17, 18, 20: walking and cycling

The Draft Plan's re-emphasis of the need to promote safe walking and cycling is to be welcomed. These amendments seek to enhance the provision of walking and cycling routes, both in the Town and around the Island, that are safe, convenient, permeable, continuous and properly marked. Wherever possible, pedestrian crossings, and off-road walking and cycle routes should be provided as part of new developments, as there is no doubt that the risk of injury to the most vulnerable road-users is a powerful disincentive to reduce dependency on the private car for those journeys which could be made on foot or by bicycle. Opportunities to provide such safe routes between housing developments and major educational, social and cultural facilities need to be taken. Amendment 16 seeks to retain 2 important Road Improvement Lines in St. Helier; the Parish is currently engaged in a process of buying up land, at considerable expense to ratepayers, to provide footpaths on La Pouquelaye and Tower Road, and the Parish Roads Committee considers it vital to maintain Road Improvement Lines in these 2 cases. Despite the unpopularity of road signs and the risk of visual clutter, the proper signage of safe walking and cycling routes is paramount if people are to use them, especially visitors to Jersey, and this also applies to public transport links (amendment 15).

Amendment 6 – application fees for listed buildings

This amendment takes the opportunity to seek to amend the current unfairness of the owner of a listed building being required to pay planning fees for a minor alteration or extension to their property which would be exempt were it not a listed building. It is likely that minor developments of listed buildings will cost more anyway, and it seems particularly unfair, therefore, to make the owner pay planning fees in these cases.

Amendment 10, 11, 13 – St. Helier Regeneration Zones and the Core Retail Area

It may be an oversight that the urban area to the east of the Town, including Havre des Pas, has not been proposed for designation as a Regeneration Zone. Considering the deprecations this area has suffered in recent years, in particular through the folly of siting the incinerator on La Collette 2 adjacent to the Island's Ramsar Site, it must be considered a high priority for regeneration (amendment 10).

Amendment 11 seeks to improve the ability of shops to store refuse and recyclables; amendment 12 to add 'benches' to the list of street furniture to be encouraged in the town area, and to ensure that wherever possible street trees are placed in the ground rather than in planters.

Map 5.2 (p. 185) showing the proposed Core Retail Area leaves a number of premises that are currently in retail use, such as Romerils, 'out in the cold'. This apparent anomaly would be rectified if amendment 13(b) were to be adopted.

Amendment 14 – take-away food outlets

Amendment 14 addresses another anomaly that exists over the protection given to the neighbours of take-away food outlets in the countryside (page 188, Policy ER6) which is not currently also afforded in the urban area.

Amendment 23 – Safety Zones for Hazardous Installations

One of the most surprising and worrying features of the draft Plan is that it suggests (final bullet point on page 286) that the new open space designed to wrap around the La Collette 2 reclamation site (and hopefully to hide at least a part of the eyesore of the new incinerator) is to be effectively ‘out of bounds’. Due to concerns about the potential of a Buncefield-type incident at the fuel farm, the long-awaited linear park that was supposed to provide St Helier residents, in particular, with ample space to walk, jog or cycle around the reclamation site, is to be closed off. Amendment 23 is designed to challenge this significant threat to the open space provision made in the name of ‘Health and Safety’ by requiring proper risk assessment and risk management to be undertaken before a blanket prohibition is enacted on access to the open space at La Collette.

Financial and manpower implications

Amendment 6, if approved, would lead to a loss of planning fees which would have to be made up out of efficiency savings in the Planning Department. The Planning Department has not been able, in the time available, to provide an exact calculation of financial consequences of this amendment as they only record planning applications for which fees are charged, affecting heritage buildings:

2009	–	£117,761
2010	–	£344,000
2011	–	£117,052 (to date).

(The 2011 figure includes one application, affecting a heritage structure as part of the site, which incurred a fee of c. £75,000.)

While these figures provide an indication of the scale of fees generated by planning applications affecting heritage buildings, they do not identify those planning applications which would otherwise have been permitted development, were they not heritage buildings. The actual costs to the Department would be much less than the quoted figures for the past 3 years, and the actual costs of determining such applications could, in my view, be absorbed by the Department. The Department does not charge fees for applications for works to heritage buildings and sites which do not amount to development.

There are no other financial or manpower implications for the States.



