

STATES OF JERSEY

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LAND IN ST. LAWRENCE NEAR TESSON MILL AND FIELD 621, ST. BRELADE: REZONING

Lodged au Greffe on 22nd February 2005
by Deputy J.A. Hilton of St. Helier

STATES GREFFE

PROPOSITION

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

to refer to their Act dated 11th July 2002 in which they approved the Island Plan 2002 and, *inter alia*, approved the zoning shown on the Island Proposals Map 1/02, and to agree to rezone with immediate effect from the Built Up Area to the Green Zone –

- (a) an area of land situated in the Parish of St. Lawrence, bounded to the south by Tesson Mews, to the west by La Rue du Moulin de Tesson and to the north and east by La Vallée de St. Pierre, as shown hatched on the attached drawing dated 9th February 2005;
- (b) Field 621, La Route de Noirmont, St. Brelade, as shown hatched on the attached drawing dated 17th February 2005.

DEPUTY J.A. HILTON OF ST. HELIER

REPORT

Introduction

As a result of the new Island Plan 2002, Members and indeed the public have become increasingly concerned about that section of the Island Plan that defines the Built-Up Area and boundary definition and policy. This policy is referred to in General Policy G2 on page 4.3 of the Island Plan 2002.

I quote the first two conditions of General Development Considerations.

Applicants must need to demonstrate that the proposed development –

1. Will not unreasonably affect the character and amenity of the area.
2. Will not have an unreasonable impact on neighbouring uses and the local environment by reason of visual intrusion or other amenity considerations.

I draw Members' attention to the St. Lawrence's site. Members looking and knowing the wooded area surrounded by roads, almost an Island site opposite Tesson Mill and facing the road to the Underground Hospital. It is a very pleasant amenity area, and yet is considered within the Built-Up Area. I do not intend to go into a long justification as to why this site is special. My point is that the 2002 Island Plan is flawed and this should not be in the Built-Up Area. The flaw is that this area technically can be built on.

I now draw Members' attention to the site map of Field 621 and the attached photograph. This is an agricultural field on the west side of Route de Noirmont. It provides a break from the escalating and continuing development of Route de Noirmont. I ask Members to study this photograph. It is a beautiful field sloping down to St. Breladé's Bay. Yet, for some reason, it is within the Built-Up Area. It is unacceptable. It is unacceptable that this beautiful agricultural field with stunning sea views should be targeted by a developer. It presents a pleasant break to the increasing ribbon developments along Route de Noirmont.

We have seen an interpretation of the definition of the Built-Up Area, and indeed Members will be aware of the density of residential developments that have taken place recently in St. Clement and St. Brelade.

Members will also be aware that there was a significant reference back, demanded by Deputies Harry and Gerard Baudains during the debate on the Island Plan July 2002, and it was after clarification by the then Chairman of the Applications Sub-Committee, ex-Deputy Alastair Layzell, that the Island Plan 2002 was approved.

I believe that the section of the Island Plan 2002 dealing with the Built-Up Area is flawed and that is why I am seeking to protect the sites in St. Brelade and St. Lawrence referred to above in this first instance. I then propose to ask Members support at a later stage, a proposition to redefine the Built-Up Area. We must not see a continuance of what has been happening on small residential sites in the Built-Up Area, where one house is purchased, demolished, and replaced by anything up to 10 units of Category B accommodation is approved and built.

Windfall development

Members will be aware of a new phrase coming into planning terminology, and that is the term "windfall development". The first reference to this curious phrase that I have found is in the 6th document I list below, a report compiled by Planning Officers dated 12th February 2003, I quote from section 3.2.4 –

"The plan (Island Plan) also has to have regard for the provision for the development opportunities for other types of housing, which are secured through open market "windfall development": Category E (private sector homes). The provision of Category B "windfall" housing development will make an important contribution to the overall provision of homes in the Island during the Plan period."

I believe that this policy has caused problems in the overdevelopment of certain sites in specific areas such as

St. Clement and in the Noirmont area of St. Brelade.

This policy encourages development on limited sites, and it encourages the presumption to build on small sites, be they fields, large gardens, small gardens or open spaces.

This goes completely against the stated policy of development in the Built-Up Area, where there is no presumption in favour of development.

There was a press release by the Planning Department on 14th November 2002. I have included it in this Proposition. In it, the then Committee stated clearly that it wanted to make it clear that there was no presumption in favour of development in the Built-Up Area.

Proof

In the document I refer to, compiled by Planning Officers dated 12th February 2003, there is a table of figures labelled table 8.4 in Appendix 4. In this table, Members will be able to see a “windfall” projection of expected yield on Category B Housing in the Parishes outside St. Helier. The Planning Department projected a yield of 460 houses for the period 2002 to 2006. I have it confirmed now by the Department that in 2002, 462 Category B homes were completed and in 2003, 373 Category B homes were completed. That gives a total of 835 homes actually completed in that period of 2 years. The figures for 2004 were not available at the time of writing this Proposition. The yield is about 80% higher than projected, so I argue that the Island Plan 2002 is flawed and there is indeed a strong presumption in favour of development.

Speech to the House 11th July 2002

We now need to consider the speech referred to made by ex-Deputy Layzell, the then Chairman of the Applications Sub-Committee.

I will let Members read the body of the text for themselves, but I highlight the first paragraph of page 2 –

“... because the '87 Plan is still in existence, we have a very unsatisfactory situation where the Agricultural Priority Zone washes over a number of what are clearly Built-Up Areas and that has prevented development in those areas, ...”.

“... where small plots of land, alongside houses, between one house and another house, existed there would now be the potential to put a house in there where previously those applications, and there were quite a number of them, had been continually denied, not just by this Committee but by every Committee since the '87 Plan was approved.”.

Ex-Deputy Layzell is indicating, or implying, very small-scale development. He talks about a house between other houses. I am certain the ex-Deputy is not happy with how this Policy on the Built-Up Area has gone wrong.

The problem is that the reference back by the two Deputies Baudains should have signalled warning signs to States Members. It did not, and as a result the Island Plan 2002 was approved in July 2002 with this fatal flaw.

What we see today in various parts of the Island are evidence of this.

There is no Built-Up Area boundary definition and Policy in the Island Plan 2002.

Conclusion

I wish to recommend to Members that owing to the ambiguity and weakness of the Island Plan 2002 that –

1. The site referred to at Tesson be returned to the Green Zone.
2. The site referred to as Field 621 to be returned to the Green Zone.

3. I ask for the support of the House.
4. If Members will support the Proposition, I propose to bring a further Proposition to improve and protect the Built-Up Area boundary definition and policy.

Financial and manpower implications

I do not believe that there are any financial or manpower implications arising from this proposition.

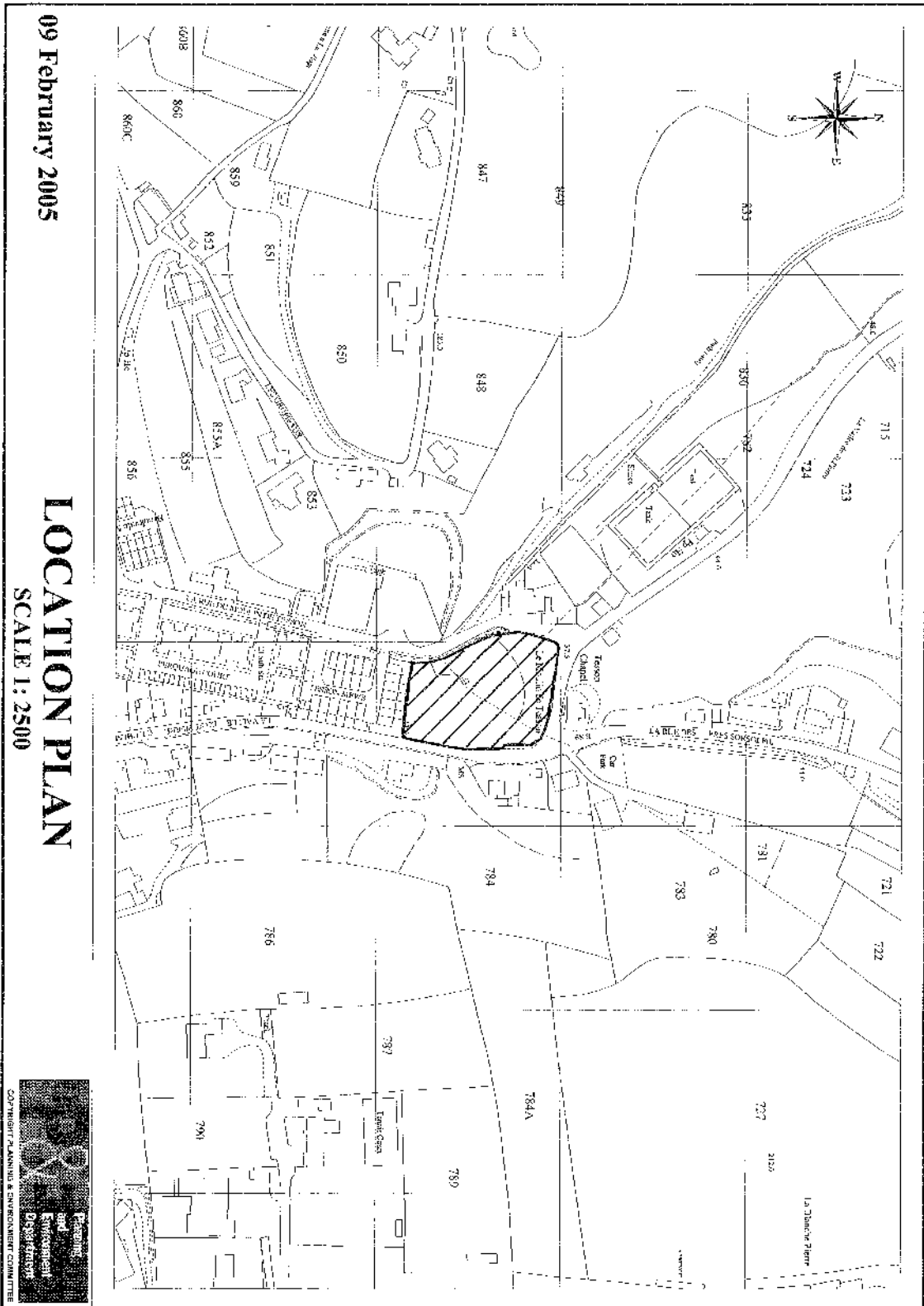
Annexes

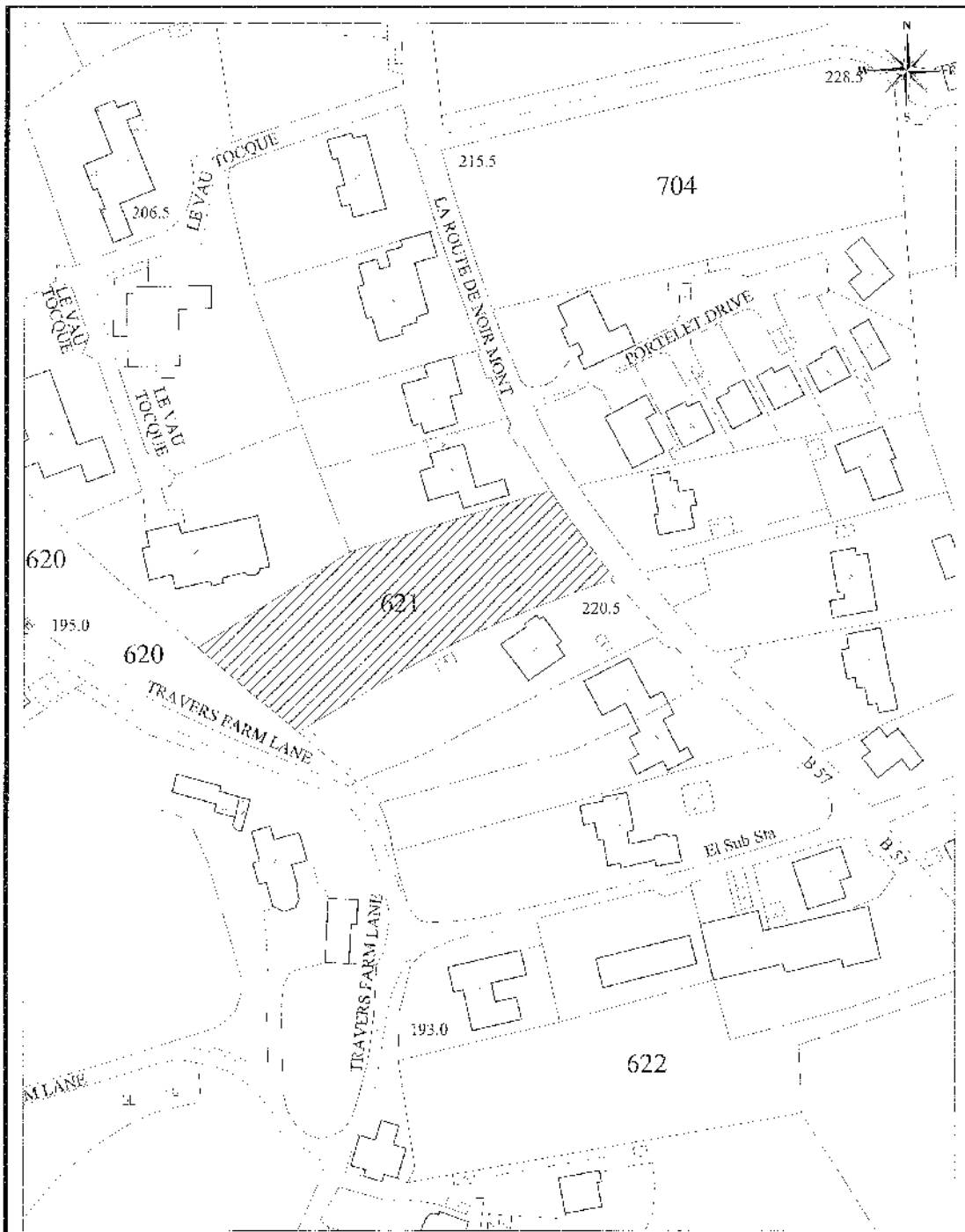
Members will find 6 documents annexed to this Report –

1. A map of the St. Lawrence site.
2. A map of the location of Field 621 in St. Brelade.
3. A photograph of Field 621 in St. Brelade.
4. A copy of a speech made by ex-Deputy Layzell on 11th July 2002 in the debate on the Island Plan 2002.
5. A copy of a Press Release dated 14th November 2002 from the Planning Department.
6. A copy of a report written by Planning Officers dated 12th February 2003.

Re-issue Note

This proposition has been re-issued as the original version circulated referred to the site in paragraph (a) being in St. Peter whereas it is, in fact, in St. Lawrence.





Field 621, La Route de Noirmont, St B

17th February 2005

Boundary Information Supplied by the States of Jersey Planning Office, but no responsibility can be accepted for error.



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PLANNING & ENVIRONMENT
COMMITTEE



ISLAND PLAN DEBATE – JULY 2002**DEPUTY A. LAYZELL'S SPEECH**

We are, as you say, discussing the reference back proposed by Deputy Harry Baudains and I wondered if I could, given that the President has already spoken, take Members through the process that was used by the Committee to get us to where we are today.

Members will know that the consultation draft was published thirteen months ago in June 2001 and that was preceded by a presentation to a number of States Members at the St. Paul's Centre. Following that, the Draft Plan was exhibited through a series of written presentations, but also large scale maps, at exhibitions in each Parish Hall in June and July 2001, and those were presentations which were manned by officers of our own Department and also the consultants, W.S. Atkins. That was followed by the Querée and Layzell roadshow which successfully went round the Parish Halls in June and July and they were very well-attended meetings. They were hot meetings at times and they were interesting and exciting meetings and they resulted in clearly people having looked at the maps which were put up for their benefit, in some cases making written representations for changes of the lines that had been drawn as proposed and for the Committee subsequently acceding to a number of those requests.

Then there was a separate permanent exhibition which was very well publicised at premises on the Esplanade for four weeks in June/July 2001. All the written representations, and there were a lot of them, were considered as the President has said by the Independent Reviewer, Professor Patrick McAuslan. The Committee then considered Professor McAuslan's recommendations and all the written representations, all the letters weren't just sent to the Professor they were also copied to Members of the Committee. And as I've said some boundaries were changed as a result.

Meetings were held with the Parishes of St. Martin, St. John, at the request of those Parishes, to discuss details of the Draft Plan including where the new boundaries would fall. Then the Draft Plan was lodged on 30 April 2002, that's ten weeks ago. There was a meeting of States Members, a very well-attended one because it followed the end of a normal States meeting, on 23 May in this Chamber to discuss the Draft Plan. Subsequently there was a Parish Assembly in St. Lawrence, at the request of the Constable of St. Lawrence, to discuss details of the Draft Plan and the matter raised by Deputy Baudains, or Deputy Baudains', in the States on 2 July was nine weeks after the lodging and one week before the debate. Now the Committee really feels that it has done all it could almost possibly do to encourage members of the public and States Members, their representatives, to take part in the consultation process and I think it important, Ma'am, to try to establish why we've done what we've done.

A fundamental purpose of the Island Plan Review was to classify settlements and re-assess boundaries and although we touched upon this in another debate yesterday, I think it bears repeating that we had an extremely, or currently have because the '87 Plan is still in existence, we have a very unsatisfactory situation where the Agricultural Priority Zone washes over a number of what are clearly Built-Up Areas and that has prevented development in those areas, and I said I think in response to the debate provoked by Deputy Voisin yesterday that the reorganisation was to the benefit of the community because clearly where small plots of land, alongside houses between one house and another house, existed there would now be the potential to put a house in there where previously those applications, and there were quite a number of them, had been continually denied, not just by this Committee but by every Committee since the '87 Island Plan was approved.

The process was explained, all that process, I remember explaining it myself at several of the meetings, it was explained in great detail by myself and by the President in the meetings that we had and at the presentations, and we have had excellent work by the officers last night to prepare a single sheet of A4 which has been put on all Members' desks which shows what you might call the most significant changes to the re-drawing of the line. There were minor changes, it says that on the bottom of the A4 sheet, because as the drawers went round they might for instance have re-drawn the Built-Up Area around a garage where previously it was around a garden and that sort of thing, and were we to produce that sort of list well we would have a document which was twice as thick as the Island Plan before us today.

Senator Kinnard, I just want to pick up a point which she made yesterday, talked about the U.K. process of

putting applications on the actual site of the application and of course that does happen in the U.K. and the States has agreed that that will happen in the new Planning Law which is not yet in force, and it is an entirely sensible thing to do but were we to have done that in respect of the time then we would have had thousands of little posts and notices and I think it would have been, frankly, impractical to do. Clearly, Ma'am, it is the responsibility of States Members to scrutinise the Plan in the interests of the public at large and one might say their constituents in particular and many Members clearly did that, some did not, and some have admitted that they came to it very late in the day. But I don't think that any States Member can justifiably claim to be unaware of the process involved in the content of the review of the '87 Plan.

Ma'am, I think Members need to think very carefully about the effect of successful reference back. Would we ask, for instance, all States Members to take a detailed look and bring back the changes they propose. If so, well we should really send the lines out for public consultation again, a huge, a huge and costly exercise, a long exercise, and all the gains in the Plan that we have voted for in the last two days, and they are considerable gains, would have to be put on hold. Members would have to face their constituents who are desperate for new homes because the housing sites would be put on hold because the Bailiff ruled yesterday that the map cannot be de-linked from the proposition itself, Frankly, it is difficult, Ma'am, to know what else the Committee would have done. If the system has failed us, well, if Members have left it too late to do their work on behalf of their constituents I don't think that those people waiting for housing sites and new homes should have to suffer.

I would like to turn then to the specific concerns as articulated by Deputy Harry Baudains, supported by Deputy Gerard Baudains. It seems to me that the debate, and it seems to the Committee, that the debate turns upon how vulnerable to develop are the fields that they have identified as what they, I suppose, would term anomalies to the drawn line and I guess we all left the Chamber last night thinking that, well if we were in the 1987 mindset for Planning, they would be vulnerable because there is a presumption in the Built-Up Area that it will be Built-Up, or to put it another way there is not a presumption against development in the Built-Up Area and therefore somebody coming along and saying "I want to build a house in the Built-Up Area" would be likely to gain permission. But sleeping on it, one has realised that of course that is the '87 culture. What we are dealing with now is a different Planning culture, a different policy set and I would ask Members to turn to Page 4.3 of the Draft Plan where Policy G1 is printed in bold— the policy of sustainable development. And if I can take Members through what would likely happen let us say if somebody applied, and this is purely hypothetical, to build a house in one of the attractive fields that are photographed on the board in Le Hocq Lane or on the piece of green land opposite Tesson Mill where the children use the trees to swing to and from, if we can all be Planners for a moment and consider, as I say under the '87 Plan, the presumption is in the favour of the applicant. But under this Plan, firstly the applicant would have to meet the criteria laid out in Policy G1 the sustainable development, so (1) integrate new development with the existing Built-Up Areas. Conserve, I'm picking from the box but Members can follow me, I'm sure, conserve or enhance the natural environment and the cultural heritage of the Island. And then crucially over the page, the applicant would have to demonstrate under Policy G2 that the proposed development will not unreasonably affect the character and amenity of the area. Now I wonder if the person who wanted to build a house on the little green land opposite Tesson Mill could actually demonstrate that. Or conversely, whether the Committee could prove that actually building a house there would affect the character and amenity of the area. Similarly, they would have to demonstrate that the application would not have an unreasonable impact on neighbouring uses and the local environment by reason of visual intrusion or other amenity considerations and it might be said that the Committee is entitled to say that the green space opposite Tesson Mill was an amenity area for the children of the 1960s estate alongside that Deputy Baudains dislikes. So, it is a different policy set.

Then we go on, well (3) probably isn't relevant, or might be relevant I suppose, it doesn't have an unreasonable impact on agricultural land, but probably not in the cases that Deputy Baudains has cited. And then at (4) the applicant will have to demonstrate that the application or the development will not have an unreasonable impact on the landscape, ecology, archaeological remains or architectural features. That could be Tesson Mill – an architectural feature listed by the Committee, and includes where appropriate measures for the enhancement of such features and the landscaping of the site. At (6) – will not have an unreasonable impact on important open space, so if we consider those to be important open space areas I suppose the Committee might be entitled to reject the application. It wouldn't have an unreasonable impact on built features – Tesson Mill, including trees, hedgerows, banks, walls and fosses. At (8), will not lead to unacceptable problems with traffic generation, safety or parking.

I not going to prolong the debate now and I hope that I have demonstrated to Members, with the benefit of some thought overnight, that this is a very big Plan, it's taken a long time to prepare, there are a lot of policies in it, but crucially going to the heart of the matter there is a different policy set, a different way of thinking. So I come back to the issue, the narrow issue, that the Deputies of St. Clement have raised. How vulnerable are the lands which they consider to be anomalies to the line as redrawn? I say to them that they are nowhere near as vulnerable as was the case under the '87 Plan, the existing Plan, and that the Committee is entitled to adopt, if this Plan is adopted, a different and new approach to the way those sites are considered. I hope Members will appreciate that that is a significant shift in the way Planning is conducted and it will alleviate some of their concerns about the way in which the line was drawn.

PRESS RELEASE

14 November 2002

For Newsdesks

ISLAND PLAN 2002 – BUILT-UP AREA

The Planning & 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.

While there is a possibility that development will be allowed on undeveloped land in these areas, the new Island Plan also includes General Policies which will, in certain circumstances, circumscribe the potential for development.

In particular, Policy G2 of the Plan requires applicants to demonstrate

- (i) that their proposals will not unreasonably affect the character and amenity of the area, and
- (ii) will not have an unreasonable impact on neighbouring uses and the local environment by visual intrusion or other amenity considerations.

In addition, proposals will have to meet a number of other detailed planning considerations.

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.

Senator N.L. Querée
President

P.C.F. Thorne
Director of Planning

Tel: 883571

Tel: 601402

 REPORT TO THE ENVIRONMENT AND PUBLIC SERVICES COMMITTEE

8/36/1

12 February 2003

ISLAND PLAN 2002

Built up Area boundary definition and policy

1. Purpose of the report

- 1.1. In the course of the determination of planning applications, Members have raised concerns relating to the definition of and policy regime applicable to the Built up Area boundary as defined in the new Island Plan 2002. The purpose of this report is to provide the reasoned justification for this element of the Plan.

2. Background

- 2.1. During the States Assembly's deliberations regarding the new Island Plan in July 2002 Deputies G. and H. Baudains of St. Clement sought a reference back on this issue of the definition of the Built up Area boundary. An accusation was levelled at the Planning and Environment Committee that it had acted in an underhand way in reviewing the Built up Area boundary, the implications of which would mean, according to the Deputies Baudains', a rash of new development on green spaces within and at the edge of the Island's urban areas.
- 2.2. The accusation of a lack of transparency was withdrawn as were the proposals for a reference back on the basis of an acceptance by the St. Clement deputies that the final draft of the Island Plan was the result of a very open and inclusive process of consultation.
- 2.3. This is not believed to be the issue with which present Members of the Committee are concerned, however and, for the purpose of providing background information, appendices 1 and 2 respectively give details of the information provided by the Department in response to the issues raised and the response given to the Assembly by the then Vice-President, Deputy Alastair Layzell during the Island Plan debate.
- 2.4. The substantive issues for the present Committee are, however, believed to be the definition of the Built up Area boundary and the policy regime applicable to it. These issues were addressed during the States debate and were accepted by the Assembly **unanimously** and on a **standing vote, only seven months ago**, but are revisited here in accord with the wishes of the Committee.

3. Built up Area boundary

3.1. Definition

- 3.2. There are a number of distinct reasons for the review of the Built up Area boundary (BUA) undertaken as an integral part of the Island Plan Review. These are summarised below:

Outdatedness of 1987 Island Plan BUA

- 3.2.1. The outdatedness of the 1987 Island Plan was apparent on a daily basis from the perspective of development control. Significant urban areas e.g. Maufant, were, in the 1987 plan, defined as being outwith the BUA and thus effectively in 'the countryside' which would require development proposals to be considered under landscape protection policies (such as the old Green Zone, Agricultural Priority Zone and SLAAP Zone, policies). Consequently, a comprehensive review of the BUA was undertaken to resolve this issue. Tables one and two of Appendix 3 list the principal changes in definition of the BUA between the 1987 and 2002 Island Plans.

Strategic objectives

- 3.2.2. It is important to relate the specific policies and land-use zonings of the Island Plan to the overall strategic policy objectives that it sets out to achieve. In the context of the definition of the BUA, there are two key strategic objectives that are of particular relevance:

Spatial strategy

- 3.2.2.1. The spatial strategy of the new Island Plan sets the framework for land use to achieve the objectives of sustainable development and protection of the Island's environment. What this means is that the policy seeks to ensure that new development is well related to the existing BUA in order that goods and services are easier to access, and that the best of the Island's coastal and rural environment is protected from development.
- 3.2.2.2. The redefinition of the BUA sought to contribute towards this objective by providing opportunities that are well related to existing urban areas but which have a minimal impact on the rural landscape.

Economic and community strategy

- 3.2.2.3. Achieving the vision and objectives of the Island Plan requires the promotion and facilitation of development opportunities that are essential to the Island's economy and community life. This includes providing opportunities for new housing development, in accord with the spatial strategy, and to ensure that there is a balance between the different types of housing provision.
- 3.2.2.4. There is a requirement and demand for homes across all tenures. The Plan sets out to allocate specific areas of land for Category A type housing (social rent and first-time buyer homes) and these are safeguarded for this particular purpose. The Plan also has to have regard for the provision of development opportunities for other types of housing which are secured through open market 'windfall' development: Category B (private sector homes). The provision of Category A 'windfall' housing development will make an important contribution to the overall provision of homes in the Island during the Plan period.
- 3.2.2.5. Owing to the 'tight' definition and the strict application of the 1987 BUA, opportunities for windfall development within the 1987 Island Plan BUA boundary were considered to be limited. It was, therefore, a specific objective of the review of the BUA to effectively 'loosen' the BUA boundary in order to create opportunity for new windfall development, in accord with the spatial strategy of the Plan, which is to focus new development where it is well related to the existing urban area.
- 3.2.2.6. Extracts from the Island Plan 2002, at appendix 4, provide further information about the contribution of Category B homes to the overall supply of housing over the Plan period.

3.3. Policy regime

- 3.4. As rehearsed during the Island Plan debate in July 2002, the crux of this matter relates to the policy regime applicable to development proposals that fall within the BUA boundary. It is important to note that the 1987 Island Plan Built up Area boundary effectively conferred a **presumption in favour of development** which was **not qualified in any way** within the limited policy framework provided by the 1987 Island Plan.
- 3.5. Whilst the 2002 Island Plan might build upon some of the principles set down in 1987, it is an

entirely different document and provides a much richer policy framework within which development proposals are required to be considered.

- 3.6. It thus engenders a new approach to the consideration of development proposals, including those for sites within the BUA, and **replaces the unqualified presumption in favour of development**, which existed in the 1987 Plan, **with a heavily qualified presumption**. This is effected, in the case of proposals for housing development within the BUA, by policies such as G2, G3 and H8, which are reproduced at appendix 5. A press release (at appendix 6), which sought to quas speculation about ‘unchecked’ development on sites which had been included within the BUA in the 2002 Island Plan, was issued in November under the auspices of the former Committee, to reinforce the policy basis of the BUA.
- 3.7. These policies provide a number of rigorous criteria which applications for development are required to have regard to and to comply with. The policies are designed to ensure that inappropriate development within the BUA is resisted and they serve to provide the Committee with an effective armoury and a great degree of control to bring this about.

4. Summary and conclusions

- 4.1. Whilst the basis for the Committee’s deliberations concerning the proposed development of previously undeveloped sites within the new BUA are acknowledged it is considered, having regard to the above, that the justification for the inclusion of such sites within the BUA is sound and that there exists, within the rich and extensive policy regime provided by the new Island Plan, a significant degree of control to ensure that inappropriate and unsympathetic development on these sites is resisted.
- 4.2. It is also considered important to note that the 2002 Island Plan represents a comprehensive and integrated policy document that has the weight of recent and extensive public and political scrutiny behind it and that to seek to amend any element of this policy framework in an *ad hoc* manner so soon after its unanimous approval would seek to undermine the validity of the process of its production and the document itself.
- 4.3. On the basis of the above, it is recommended that the Environment and Public Services Committee:
 - 4.3.1. notes and endorses the contents of this report and thus seeks to determine applications within the defined Built up Area, as set out in the Island Plan, in accord with the relevant policy framework provided therein.

Island Plan Debate

Reference Back – Debating Points

Process/Sequence of Events

- Consultation draft published June 2001 (13 months ago) preceded by presentation to States members at St. Paul's Centre
- Exhibited on large scale maps at manned exhibitions in each parish hall in June/July 2001
- Discussed in public meetings in each parish hall in June/July 2001
- Consultant's presentation specifically drew attention to the designation of Built-up areas
- Separate permanent exhibition at the Esplanade for 4 weeks in June/July 2001
- Certain draft boundaries the subject of written representations
- All written representations considered by independent reviewer, Professor Patrick McAuslan
- P&EC considered McAuslan's recommendations and all written representations
- P&EC changed some boundaries as a result
- Meetings were held with Parishes of St. Martin and St. John, at the Parishes request to discuss details of Draft Plan, including boundaries
- Draft Plan lodged 30 April 2002 – 10 weeks ago
- Meeting of States members 23 May in States Chamber to discuss Draft Plan
- Parish Assembly in St. Lawrence at request of Constable to discuss details of Draft Plan
- Matter raised by Deputies Baudains in States on 2 July– 9 weeks after lodging; 1 week before debate

Other Debating Points

- A fundamental purpose of the Island Plan Review was to classify settlements and re-assess boundaries
- Process explained in Consultation Draft Plan, exhibitions and presentations at public meetings
- Senator Kinnard's statement about U.K. processes is totally incorrect (notice boards on sites). We have designed the process in Jersey, so far as Law and States' procedures allow, to mirror the process adopted in U.K. for the preparation of development plans
- It is the responsibility of States members to scrutinise the Plan in the interests of the public at large and their constituents in particular. Many clearly did – unfortunately some didn't
- No States member justifiably can claim to be unaware of the process involved in or the content of the review of the 1987 Plan

Island Plan Team – 10 July 2002

Island Map changes

TABLE ONE

Existing settlements not identified in the Built-Up Area of the 1987 Island Plan identified on the Jersey Island Plan Consultation Draft 2001

St. George's Estate	La Rue des Landes, St. Peter
St. Mary's Village	La Ville Emphrie, St. Lawrence
Carrefour Selous	Le Mont Félard (top)
Mont Mado	Le Mont au Prêtre/Oaklands
Trinity Village	Maufant
St. Martin's Village	St. Saviour's Hospital
Victoria Village	Teighmore Park, Grouville
Sion	Le Parcq de L'Oeillère
St. Lawrence Church	Petit Port Close
St. Peter's Village	Le Mont a la Brune Estate
Rozel	

TABLE TWO

Significant additions to the Built-Up Area of the 1987 Island Plan identified on the Jersey Island Plan Consultation Draft 2001

Belle Vue, Les Quennevais	St. Saviour's Church and Parish Hall
Madeleine Estate, La Moye	Les Varines
La Route Orange (south)	New JCG and all-weather sports pitch
St. Brelade's Bay (part)	New Zealand Avenue
Les Ruisseaux/Noirmont	Brickfield Lane
La Rue de Haut, St. Lawrence	Le Bernage/New York Lane
Les Champs, Le Mont Cochon	FB Fields
St. Anne's Terrace	La Rue de Samarès (part: West Riding and L'Industrie)
Haute Vallée School/Halcyon House	Pontorson Lane/Le Rocquier School
Le Clos de la Ville	Hospice and Grouville School Primary School playing fields
La Pouquelaye Cemetery	Housing sites rezoned in 1989 e.g. Sydney Crill Park
Mont-à-l'Abbé School and grounds	Housing sites rezoned in 1999 e.g. Hodge Nurseries
FCJ/Grainville	St. John's Village

TABLE THREE

Significant changes to the Jersey Island Plan Consultation Draft 2001 identified on the Jersey Island Plan Final Draft 2002

Additions	Reductions
St. John's Village (at request of Connétable)	Les Varines (south)
	La Rue de Samarès (part: L'Industrie)

There are innumerable minor changes to the 1987 Built-up area boundaries

Extract from 2002 Island Plan Housing Chapter

Windfall Development

The contribution that windfall development (i.e. conversions, changes of use, redevelopment and infill development) will make to the supply of housing units has been estimated using the average contribution over the period 1990 to 2000, and assuming that this trend will continue at the same rate.

It is recognised that basing future windfall estimates on past trends is not generally considered to be an appropriate practice in urban capacity because changes in policies point to increasing densities and greater yields. In Jersey, however, the strict application of the built-up area boundary throughout the period of the 1987 Island Plan has led to high densities within the built-up area as opportunities for infill and conversions have been taken up. The opportunities for infill over the Plan period will therefore reduce. However, it is anticipated that proposed amendments to the built-up area boundary, designed to accommodate development according to the Spatial Strategy outlined in Section 3 of this Plan, will counteract this effect.

Over the fifteen years from 1986 to 2001 there was an annual average of 201 Category B homes developed across the Island. Assuming that overall the total for Category B will continue at the same rate, 1,005 would be expected between 2002 and 2006. Subtracting the supply of Category B from the town opportunities and the Waterfront and using proportions from recent years, it is estimated that there will be 460 windfall homes in the parishes outside the main urban area of St. Helier, St. Clement and St. Saviour over the five years. In addition to the town centre windfall opportunities in the town of St. Helier described earlier, it is estimated that there will be 155 Category B dwellings arising in the town from conversions and changes of use.

Summary of Supply

Table 8.4 summarises the estimated contribution of each of the sources to the future supply of homes during the first half of the Plan period. A proportion of the supply identified for Category B may in fact be taken forward for Category A, but at present this is all included under Category B. The level of supply of Category A homes from 2007 to 2011 is not known at present as sites will be brought forward by the Jersey housing task force following the monitoring of completions and housing requirements.

Table 8.4: Supply of Homes from Existing Sources 2002-2006

	Category A: Affordable Housing	Category B: Other Housing	Total
Sites for States First Time Buyer and Social Rented Housing	980	–	980
St. Helier Town Opportunities	–	245	245
Waterfront Area Phase II	–	150	150
Conversions and Changes of Use in town of St. Helier	–	155	155
Windfall Development in the Parishes outside of the town of St. Helier	–	460	460
Total Supply	980	1,010	1,990
Annual Average	196	202	398

Policy regime in the BUA**POIJCY G2 – GENERAL DEVELOPMENT CONSIDERATIONS**

Applicants need to demonstrate that the proposed development:

- (i) will not unreasonably affect the character and amenity of the area;
- (ii) will not have an unreasonable impact on neighbouring uses and the local environment by reason of visual intrusion or other amenity considerations;
- (iii) will not have an unreasonable impact on agricultural land;
- (iv) will not have an unreasonable impact on the landscape, ecology, archaeological remains or architectural features and includes where appropriate measures for the enhancement of such features and the landscaping of the site;
- (v) incorporates satisfactory provision of amenity and public open space where appropriate;
- (vi) will not have an unreasonable impact on important open space or natural or built features, including trees, hedgerows, banks, walls and fosses;
- (vii) provides a satisfactory means of access, manoeuvring space within the site and adequate space for parking;
- (viii) will not lead to unacceptable problems of traffic generation, safety or parking;
- (ix) is accessible by pedestrians, cyclists and public transport users, including those with mobility impairments;
- (x) will not have an unreasonable impact on public health, safety and the environment by virtue of noise, vibration, dust, light, odour, fumes, electro-magnetic fields or effluent;
- (xi) is not at risk from flooding or does not increase the risk of flooding elsewhere;
- (xii) does not have an unreasonable impact on the safe operations of the Airport;
- (xiii) where possible makes efficient use of construction and demolition materials to avoid generation of waste and to ensure the efficient use of resources;
- (xiv) takes into account the need to design out crime and to facilitate personal safety and security;
- (xv) encourages energy efficiency through building design, materials, layout and orientation; and
- (xvi) includes the provision of satisfactory mains drainage and other service infrastructure.

Applications which do not comply with these principles will not normally be permitted.

POLICY G3 – QUALITY OF DESIGN

A high standard of design that respects, conserves and contributes positively to the diversity and distinctiveness of the landscape and the built context will be sought in all developments. The Planning and Environment Committee will require the following matters to be taken into account as appropriate:

- (i) the scale, form, massing, orientation, siting and density of the development, and inward and outward views;
- (ii) the relationship to existing buildings, settlement form and character, topography, landscape features and the wider landscape setting;
- (iii) the degree to which design details, colours, materials and finishes reflect or complement the style and traditions of local buildings;
- (iv) the use and maintenance of landscape to enhance new development and the degree to which this makes use of local features and an appropriate mix of materials and plant species suited to both the landscape and wildlife interests of the locality;
- (v) the incorporation of existing site features into the development such as boundary walls, banks and trees;

- (vi) the design of safe pedestrian routes, including for those with mobility impairments, vehicle access and parking; and
- (vii) the incorporation of features to design out crime and to facilitate personal safety and security.

Proposals that do not demonstrate that account has been taken of the above matters, as appropriate, will not normally be permitted.

POLICY H8 – HOUSING DEVELOPMENT WITHIN THE BUILT-UP AREA

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:

- (i) is in accordance with the required standards for housing as set by the Planning and Environment Committee;
- (ii) will not unreasonably affect the character and amenity of the area;
- (iii) will not have an unreasonable impact on neighbouring uses and the local environment by reason of noise, visual intrusion or other amenity considerations;
- (iv) will not have an unacceptable impact on a Site of Special Interest, Building of Local Importance or a Conservation Area;
- (v) will not lead to unacceptable problems of traffic generation, safety or parking;
- (vi) makes use of existing buildings where possible;
- (vii) is appropriate in scale, form, massing, density and design to the site and its context;
- (viii) incorporates where appropriate satisfactory provision of amenity and public open space, to include landscaping and children's play space;
- (ix) makes provision for satisfactory mains drainage and other service infrastructure;
- (x) takes into account the need to design out crime and facilitate personal safety and security; and
- (xi) is in accordance with other principles and policies of the Plan.

Proposals which do not satisfy these criteria will not normally be permitted.

Innovative approaches to the conversion of existing buildings to residential use will be encouraged where they conform with the other principles and policies of the Plan.

PRESS RELEASE

14 November 2002

For Newsdesks

ISLAND PLAN 2002 – BUILT-UP AREA

The Planning & 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.

While there is a possibility that development will be allowed on undeveloped land in these areas, the new Island Plan also includes General Policies which will, in certain circumstances, circumscribe the potential for development.

In particular, Policy G2 of the Plan requires applicants to demonstrate

- (i) that their proposals will not unreasonably affect the character and amenity of the area, and
- (ii) will not have an unreasonable impact on neighbouring uses and the local environment by visual intrusion or other amenity considerations.

In addition, proposals will have to meet a number of other detailed planning considerations.

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.

Senator N.L. Querée
President

P.C.F. Thorne
Director of Planning

Tel: 883571

Tel: 601402