



JERSEY
Chamber of Commerce

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Dear Connétable Michael Jackson,

ISLAND BRIDGING PLAN RESPONSE.

After much discussion with our members, we would ask for the intent of the bridging plan to be clarified.

We do understand the delays to the original island plan brought about by Covid 19 and appreciate that this will take longer to fully develop. We feel therefore that the bridging plans purpose should be to deal with the issues brought about by Covid 19 and the delays it has created to the original plan. In other words, dealing with known problems with the existing plan which could be speeded up to help enable the delivery of stimulus projects and the like. As such we believe that keeping the original Island Plan operational for the short term whilst a wider ranging full Island Plan is developed, in the appropriate time, with the right amount of consultation and research as required.

A full new Plan developed at speed to bridge the gap but only for a short number of years is in our opinion, a far greater risk to the island than the above option as policies may be brought in that have not been fully explored and could damage an economy trying to proceed through and recover from a previously unseen set of issues. This is not the time for knee jerk reactions and firefighting. It is a time to think carefully about the plan once all of the facts are fully known and this may take the term of the bridging plan to become fully apparent.

We attach other more detailed work from the Building and Development Committee, some of which may be outside the scope of the original Scrutiny terms of reference, but which may supply some important background information for the Panel, in further illustrating the amount of work that will be required, the short-comings of a 'Bridging' plan and indeed the reasoning for our delay in replying.

Yours sincerely,

Jersey Chamber of Commerce, Building & Development Committee.

RG/963/A1

17th September, 2020

COMMENTS ON THE CURRENT ISLAND PLAN WITH REGARD TO THE ONGOING DEVELOPMENT OF AN INTERIM PLAN

Dear Sirs,

In light of the current development of the Bridging Island Plan, the Building and Development Committee of the Chamber of Commerce are of the view that it may be helpful to highlight certain sections of the current Island Plan which would benefit from clarification or amendment going forwards.

Accordingly, what follows is a list of specific areas of concern or interest. The comments generally concentrate on matters dealing with what might be deemed to be "normal development". Those areas of the Plan dealing with more strategic planning matters such as Port development are probably beyond the skill set of the Chamber and, one imagines, will be the subject of expert analysis going forward. However, the Chamber is broadly satisfied that the Policies in respect of Mineral Extraction **are** appropriate, and rolling over the Mineral Extraction elements for the Bridging Plan from the existing plan is deemed to be generally sensible, as would be adopting the revisions for Mineral Extraction that have been drafted to date for the aborted full Plan review.

It may be considered that some of our comments are somewhat self-interested, but this is not the intention. We have tried to highlight areas of concern where perhaps there are inconsistencies in the Plan, where perhaps statements are made which we consider not to be wholly correct, or where certain elements of the Plan allow objectors to create an argument against a proposal where the Department feel that the application is permissible in terms of the spirit of the Plan.

In certain instances, our comments to particular clauses are included in red text within the clause itself.

SPATIAL STRATEGY

P21. Proposal 1 - Spatial Strategy

The Minister for Planning and Environment will, in partnership with key stakeholders, develop supplementary planning guidance for the particularly sensitive parts of the Island's Built-up area in order to better identify and define the characteristics of its urban, suburban and rural settlements, as appropriate, and to use any such guidance to assess and guide development proposals.

The SPG's, we believe, are running behind programme. Are there any proposed target dates for finalisation of the SPG programme?

P23. Policy SP 2 - Efficient use of resources

Development should make the most efficient and effective use of land, energy, water resources and buildings to help deliver a more sustainable form and pattern of sustainable development and to respond to climate change. In particular;

the proposed provision of new development, its spatial distribution, location and design should be designed to limit carbon emissions; This appears to be a rather broad brush statement – How is it proposed to ensure or prove that carbon emissions are reduced?

new development should be planned to make good use of opportunities for decentralised and renewable or low carbon energy; It should be noted that Jersey's electrical supply is c. 95% carbon-free, coming as it does from France's nuclear dominant production.

P25. Policy SP 3 - Sequential approach to development

A sequential approach to an assessment of development proposals will be applied in support of a more sustainable pattern of development and the more efficient and effective use of land, energy and buildings.

In particular, a sequential approach will be applied to the assessment of planning applications for:....

- 3. development where it is essential to provide a coast or countryside location based on a hierarchy of priorities of the Green Zone, followed by the Coastal National Park, together with the Shoreline and Marine Zones; Does the need have to be proved to be Essential?*

P26 – Coast and Countryside - Para 2.24

2.24 The definition of these character types has informed the development of planning policy for the protection of the coast and countryside and the Minister for Planning and Environment will seek to protect these assets from inappropriate and non-essential development. The guiding principle for development here is a general presumption against development, for whatever purpose, except where a coastal or countryside location is essential, combined with the objective of redirecting this development towards existing settlements. This presumption operates, with an increasing level of exemption, from the most sensitive and visually unspoilt landscape character areas of Jersey's offshore reefs, islands, headlands and coastal dunes and valleys, to the more managed agricultural interior.

In respect of the highlighted text above, the implication is that the presumption is against ALL development including minor development. Is there a better way of wording this which is less restrictive, but still accentuating the special protected nature of the Coastal National Park and Green Zone?

Who decides what is non-essential development?

P29 - Policy SP 5 - Economic growth and diversification

A high priority will be given to the maintenance and diversification of the economy and support for new and existing businesses, particularly where development can attract small footprint/high value business from elsewhere and foster innovation, in the following ways:

- 1. the protection and maintenance of existing employment land and floorspace for employment-related use;*
- 2. the redevelopment of vacant and under-used existing employment land and floorspace for new employment uses;*
- 3. the provision of sufficient land and development opportunities for new and existing employment use.*

In respect of "3" above – will this actually be undertaken and if so how and when will it be undertaken?

P31 - Policy SP 6 - Reducing dependence on the car

Applications for development, such as housing, shopping, employment, health, education or leisure proposals, must be able to demonstrate that they will reduce dependence on the private car by providing for more environmentally-friendly modes of transport.

In particular, a proposal must demonstrate that:

- 1. it is immediately accessible to existing or proposed pedestrian, cycle and public transport networks; and*
- 2. it does not give rise to an unacceptable increase in vehicular traffic, air pollution or parking on the public highway; and*
- 3. it is well related to the primary road network; and*
- 4. appropriate provision is made for car and cycle parking; and*
- 5. measures are incorporated to control traffic speeds and provide appropriate priority and a safe environment for pedestrians and cyclists; and*
- 6. it does not give rise to an unacceptable deterioration in air quality.*

In respect of "6" above, how is this, in reality, assessed?

P 35. Objective GD 1 - General development objectives

- 1. To ensure that development proposals conform to all relevant aspects of the Island Plan, unless relevant planning reasons can be put forward which indicate why the provisions of the Island Plan should be set aside;*
- 2. To protect the health, safety and amenity of the public;*
- 3. To protect and enhance the natural, historic and built environment; Does the word enhance need to be here?*
- 4. To achieve more sustainable forms of development; and*
- 5. To secure the highest standards in the design of new buildings in Jersey, with an emphasis on quality of design and construction involving encouragement to traditionally designed*

schemes; modern interpretations of traditional development and details; and modern architectural schemes, where new buildings should generally be designed having regard to their context, be appropriate to their surroundings from which they should draw reference in terms of building form, mass, height, materials **and so on**, and where they can demonstrate their relevance to Jersey. **Is the phrase "and so on" too vague?**

P 37 - General Development Considerations - Policy GD 1

Development proposals will not be permitted unless the following criteria are met such that the proposed development;

1. contributes towards a more sustainable form and pattern of development in the Island in accord with the Island Plan strategic [Policy SP 1 'Spatial strategy'](#); [Policy SP 2 'Efficient use of resources'](#); and [Policy SP 3 'Sequential approach to development'](#); and in particular it;
 - a. will not replace a building that is capable of being repaired or refurbished; **In light of recent experience, this clause, it is presumed, will be omitted, as it refers to the now omitted GD2 policy.**

P 39 - Proposal 2 - Supplementary planning guidance

The Department of the Environment will issue supplementary planning guidance, to complement that which already exists, outlining when such additional information will be required and in what form and to what level of detail.

Is there a timetable for the issue of such guidance?

P 41 - Policy GD 3 - Density of development

To contribute towards a more sustainable approach to the development and redevelopment of land in accord with the Strategic Policies of the Plan ([Policy SP 1 'Spatial strategy'](#) and Policy SP2 [Policy SP 2 'Efficient use of resources'](#)) the Minister for Planning and Environment will require that the highest reasonable density is achieved for all developments, commensurate with good design, adequate amenity space and parking (bearing in mind the potential for reducing the need for car ownership by the creation of car pooling schemes and other methods) and without unreasonable impact on adjoining properties.

Residential development proposals on sites of more than 0.2 hectares (0.5 acres or 1.125 vergées) will not be permitted unless a minimum density, in accord with supplementary planning guidance, is achieved.

We do not believe that the SPG in terms of density has gone beyond the initial draft consultation stage - is there a timetable for formalisation?

P46 - Proposal 3 - Achieving design quality

To ensure that the aspirations for design quality and sustainable development are transformed into the physical delivery of better buildings, spaces and places, it is proposed that the planning process will:

- provide a clear and robust policy framework, with locally distinctive policy that provides clarity to developers about what is required;
- ensure that there is sufficient policy and guidance at a range of scales – Island Plan, master-plans, development briefs and design codes; **We do not believe that the policy and guidance has been fully put in place – is there a timetable?**
- demand good design quality in all schemes - using pre-application discussions, design statements and ensuring that the planning application contains sufficient detail to enable it to be assessed properly within its context;
- ensure that planning conditions and legal agreements are used, where necessary, to secure quality;
- provide access to design skills within the Department of the Environment - either in-house, through consultants, or by access to external design review processes – **Other than the JAC, we do not believe that such design skills are available;** and
- monitor design quality

The Minister for Planning and Environment will also develop, publish and adopt a code for sustainable homes as supplementary planning guidance. **We do not believe that this is currently available.**

P47 – Para **1.32**

The Minister for Planning and Environment has and will publish supplementary planning guidance to expand and assist the interpretation and application of his design policy and objectives. The Jersey Design Guide describes the key elements that make up the Minister for Planning and Environment's design principles and seeks to illustrate local exemplars. Area-based design guidance, for the town of St Helier, is to be published, based on the St Helier Character Appraisal. This study was undertaken under the auspices of the 2002 Island Plan to better understand the value, significance and form of the townscape of St Helier. The Countryside Character Appraisal, performs a similar purpose for understanding the landscape qualities of Jersey's coast and countryside.

There is a tendency for such area-based design guides to result in bland town/landscape and one-size-fits-all solutions. Is it possible to ensure more design freedom is possible?

P47 – Para **1.34**

The Minister will also seek to ensure that design skills are embedded in the planning process to ensure the rigorous and consistent assessment and critique of development proposals in order to enhance design quality. The Department of the Environment **has established the post of Architect and Advisor to the Minister** and is to set up an architectural commission to ensure that the appropriate resources and skills are available within and to the planning system to help deliver high quality design outcomes.

We understand that the post highlighted in red above is no longer taken. Is there an intention to revive the post?

P48 – Para **1.35**

*Design statements will be required to assess the design quality of proposed development and supplementary planning guidance has been issued to inform this. They are intended to be as much a facilitating mechanism to promote design quality as a controlling mechanism. The design statement should cover all aspects of design and not simply the appearance of a building, structure or space and provide the Minister with a coherent and clear justification as to the intent and evolution of the proposed design of development and its relationship to context. **In the wider interests of sustainability, the design statement should normally include a "statement of sustainability" which shall have regard to the nature and origin of construction materials, the energy inputs required for construction and the lifetime energy requirements of the development.***

Who in the Department is able to assess statements of sustainability? Is a post to be created?

P48 - Policy GD 7 - Design quality

*A high quality 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, in accord with the principles of good urban design, as set out in policy SP7 'Better by design.'.....*

Does the word "conserves" need to be included? How about "enhances" as an alternative?

P50. - Policy GD8 - Percentage For Art

In our view this policy should be updated. Situations occur where the provision of art makes no sense in situ, and alternative contributions might be more appropriate.

P63 - Proposal 4 - Wildlife corridor designation

The Minister for Planning and Environment will consider the identification and designation of wildlife corridors throughout the Island during the Plan period, and will adopt these through the publication of supplementary planning guidance, following consultation with stakeholders.

We are not aware if this guidance has been issued – is it intended to do so, and if so, when?

P68 - Proposal 5 - Coast and countryside character

The Minister for Planning and Environment will have regard to the Countryside Character Appraisal when determining proposals for development which affects the Island's coast and countryside.

The primary consideration will be to protect and enhance the character of the Island's coast and countryside and the landscape impact of development proposals on the coast and countryside will be assessed and determined against the Countryside Character Appraisal, which will be issued by the Minister as supplementary planning guidance.

The appraisals are too proscriptive and general in tone. For example, there are areas within the Green Zone which are relatively suburban in character, but this is not particularly reflected in the appraisals.

COUNTRYSIDE AREAS

P74 – Para. **2.68**

*In all cases, replacement buildings **should not be larger** than that being replaced in terms of any of gross floorspace, building footprint or visual impact, and should not facilitate a significant increase in occupancy. Intensification of domestic use would place more pressure upon a fragile environment, limited infrastructure and services and be likely to increase trip generation.*

The Plan policy allows for the demolition and replacement of dwellings or ancillary residential buildings, and in a manner of speaking, encourages it, if such development will repair and restore landscape character. But this repair and restoration costs money, so restricting the overall size of any replacement building to no larger than the building replaced (as highlighted above), means that such work can rarely be financially achieved, and there is little incentive to undertake the work, even though potentially the landscape improvements that could be derived from redevelopment might be very significant.

Note 18, at the foot of the same page of the Plan, also excludes the area to be taken into account of any existing detached outbuildings, which seems somewhat arbitrary, and renders the viability of positive redevelopment even less viable.

P74 - Para 2.69 & 2.70 - Creation of new households

2.69

The creation of new households by the development of new dwellings or the extension of existing residential properties to provide independent accommodation will be strongly resisted.

2.70

*Similarly, extensions which, due to their layout are tantamount to the creation of a separate dwelling by, for example, including sleeping, bathroom and living space will be regarded as having the potential to accommodate a separate household and will be similarly resisted, as counter to the strategic objectives of the Plan (in relation to sustainable patterns of development; reducing the need to travel; and reducing dependence on the private car), as well as challenging the strong presumption against development in the Coastal National Park **with potentially serious implications for harm to its landscape character.***

In respect to the text highlighted text above – surely there are many situations where the impact upon the landscape character are far from “serious”. In some instances, the impact could be positive.

It is our view that this statement is far too stringent, and also makes no sense. For example, if a property owner wishes to employ a live-in gardener or housekeeper in self-contained accommodation, the implication is that on site accommodation would not be permitted, and that employee would need to be provided for by accommodation within the built up area rather than on site, and so the policy would, actually, increase trip generation.

P75 - Para 2.71- Extension of domestic curtilage

2.71 There is the strongest presumption against extensions of domestic curtilages, which can have an impact on the sense of wilderness, isolation and remoteness that are important in parts of the National Park. Incremental loss and erosion of landscape character to domestication would seriously undermine the quality and cohesion of landscape character.

The Plan has a very poor definition of “domestic curtilage”, and the delineation of the extent of such curtilage tends to be at the arbitrary discretion of the Department.

P76 – Para 2.81 - Redevelopment of existing employment buildings for the same employment use

2.81

Replacement buildings should be no larger, in terms of gross floorspace, building footprint or visual impact than that being replaced. Consideration will also be given to the intensity of use and impact of travel, traffic and noise upon the Park’s special character.

Comments apply to the highlighted text as per the comments to para 2.68, above.

P76 – Para 2.82 - Change of use: conversion to other employment use

2.82

The change of use of employment land and buildings (involving conversion of a building), to other employment uses, will need to satisfy the requirements of Policy E1: Protection of employment land in the first instance. A case will also need to be made as to why a coastal or countryside location is required for the proposal, which may require the applicant to set out what alternative locations have been considered.

Whilst admittedly not in the Coastal National Park, we are aware of situations where agricultural offices have not been deemed to be suitably located in the Green Zone. Presumably this frankly bizarre situation arose in light of this sentiment, expressed both in the CNP and the Green Zone Policy.

P76 – Para 2.84 - Change of use: conversion to residential or other non-employment use

There is a strong presumption against the loss of employment land and buildings to residential and other non-employment use. The conversion of modern agricultural buildings and glasshouses to residential or other non-employment uses will not be permitted.

Some modern agricultural buildings that are most definitely redundant to agricultural or employment use may lend themselves very well to conversion to residential use in a highly sustainable manner (particularly in the Jersey context), yet this option is blankly removed from viable consideration.

P 77 – Para 2.85

New homes and other development in the Coastal National Park, where the availability of services, amenities and public infrastructure is generally limited *does little to contribute towards the attainment of a more sustainable pattern of development*. Conversion of an employment building to residential use is, therefore, most unlikely to be permitted.

As described above under para. 2.70, the statement regarding sustainability is far too generalised, and all cases should be assessed on their merits.

P 77 – Para 2.86

Proposals may, exceptionally, be viewed more favourably where the redundancy of employment use is proven (under the requirements of Policy E1) or where the proposal involves the conversion of offices and *tourism accommodation*; and where it delivers demonstrable environmental benefits through reduced intensity of use and visual improvement to the building and its setting.

Surely tourism use is frequently best located in the CNP or at least in similar areas?

P78 – Para. 2.94 - Redevelopment of existing employment buildings for other employment or non-employment use

Replacement buildings *should be no larger, in terms of gross floorspace*, building footprint or visual impact than that being replaced. Consideration will also be given to the intensity of use and impact of travel, traffic and noise upon the Park's special character. Regard will also be had to opportunities to support the purposes of the Park including enhanced public access and addressing management threats and priorities identified in the Countryside Character Appraisal.

Comments apply to the highlighted text as per the comments to para 2.68, above.

P81 - Policy NE 6 - Coastal National Park

....In this area there will be the strongest presumption against all forms of development, including but not limited to:

- *the development of a new dwelling (other than as a replacement under 2 and 7; or conversion under 6, below);*
- *facilitating a separate household by means of an extension, conversion or new build; The exclusions above in respect of "2 & 7" would potentially mean that the highlighted text "or new build" should be omitted or at least amended.*
- *the change of use of land to extend a domestic curtilage; What is the procedure and criteria implemented to ascertain what constitutes "domestic curtilage".*
- *development of staff and key agricultural workers' accommodation; Does this make sense in all cases?*

.....

- development of ancillary buildings (other than temporary domestic buildings under 9b (below) **What is the reason for this exclusion?**

Only the following exceptions may be permissible, and only where they do not cause harm to landscape character

Residential

.....

2. the redevelopment of an existing dwelling and/or an existing ancillary residential building and/or structure, **(this conflicts with the second bullet point above)** involving demolition and replacement, but only where the proposal would:
 - a. not be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced; **(See comments to para 2.68, above)**

.....

4. the redevelopment of an employment building(s), involving demolition and replacement for the same use, but only where:
 - a. it would be no larger in terms of any of gross floorspace, building footprint or visual impact than that being replaced; **(See comments to para 2.68, above)**

.....

6. the change of use of employment land and buildings (involving conversion of a building) to non-employment uses but only where: **Presumably this allows for the creation of a new dwelling in contradiction to the second bullet point at the top of the policy?**
7. the redevelopment of an employment building(s), involving demolition and replacement for another use, but only where: **Presumably this also allows for the creation of a new dwelling in contradiction to the second bullet point at the top of the policy?**

GREEN ZONE POLICY

P88 - Extension of a dwelling – Para 2.125

The purpose will be a material consideration and should not facilitate a significant increase in occupancy. Intensification of domestic use would place more pressure upon a fragile environment, limited infrastructure and services and be likely to increase trip generation. **Does this really apply in all cases and if so, why?** The cumulative enlargement of existing dwellings, and associated increases in resident population and activity, can undermine an area's character as much as new homes: a site's planning history will, therefore, be a material consideration.

P88 - Ancillary buildings – Para 2.126

Proposals to develop buildings and structures ancillary to a residential use of land, such as garages and other outbuildings (which are not in the form of extensions to the principal dwelling house)

should be considered in the same manner as extensions, where the key test will be the impact upon landscape character. Proposals for the creation of habitable accommodation in detached ancillary buildings will not be supported. WHY?

P89 - Creation of new households – Para 2.130

The creation of new households by the development of new dwellings or the extension of existing residential properties to provide independent accommodation will generally be resisted in the Green Zone: it is counter to the strategic objectives of the Plan (in relation to sustainable patterns of development; reducing the need to travel; and reducing dependence on the private car), (this does not apply in all cases) as well as challenging the general presumption against development.

P89 - Creation of new households – Para 2.131

In some instances it may, however, be possible to make an exception to permit the extension or conversion of part of a dwelling (such as an integral garage) Why only an "integral garage" to provide independent accommodation in the Green Zone for an elderly relative or a relative who requires some degree of care and/or support for their personal well-being and health. Should this include "guest or staff accommodation, or even young family (not requiring support) accommodation? This will, however, only be permissible where the accommodation is capable of re-integration into the main dwelling Why is this so key to a potential approval? and where any extension or conversion would not seriously harm landscape character. Any exception made in response to such family circumstances will need to be carefully regulated and may be subject to a planning obligation agreement to ensure the ultimate re-integration of the accommodation into the main dwelling.

We would emphasise that this element of the Plan would appear to be age discriminatory in alluding solely to accommodation for the elderly. Caring for the elderly may be financially driven within families, in the same way that providing accommodation for the younger generation could also be financially necessary.

In terms of "sustainability", one would have thought that appropriate higher occupation density in a specific dwelling, even if in the Countryside, places less burden on the environment in terms of energy demand and other infrastructure (it's basically very similar energy bills for a house regardless of how many people are in that house.)

P89 - Extension of domestic curtilage – Para 2.133

There is the strongest presumption against extensions of domestic curtilages, which can result in incremental loss and erosion of landscape character to domestication in the countryside. As noted above, what are the criteria for deciding what constitutes domestic curtilage?

P90 - Extension and intensification of use – Para 2.136

The sensitivity of landscape character will be the primary consideration in the assessment of development proposals to extend or intensify existing employment land uses or buildings in the Green Zone, including tourism and agricultural uses. A case will need to be made as to why a

coastal or countryside location is required for the proposal, **Why should this be necessary when the current use is an existing use?** which may require the applicant to set out what alternative locations have been considered.

P91 – Para 2.145

The change of use of employment land and buildings (involving conversion of a building), to other employment uses, will need to satisfy the requirements of Policy E1: Protection of employment land in the first instance. A case will also need to be made as to why a coastal or countryside location is required for the proposal, (See comments in preceding paragraph) which may require the applicant to set out what alternative locations have been considered.

P91 - Change of use: conversion to residential or other non-employment use – para 2.147

There is a general presumption against the loss of employment land and buildings to residential and other non-employment use. The conversion of modern agricultural buildings and glasshouses to residential or other non-employment uses will not be permitted. In respect of the conversion of agricultural buildings there may well be certain instances when the conversion of such a building makes sustainable sense, if a continuing employment use is clearly not possible. The comment regarding glasshouses is potentially contradicted later on in the Plan.

P91 – Para 2.148

New homes and other development in the Green Zone, where the availability of services, amenities and public infrastructure is generally limited does little to contribute towards the attainment of a more sustainable pattern of development. Conversion of an employment building to residential use is, therefore, most unlikely to be permitted.

This would appear to be potentially an unsustainable approach, given the shortage of land for development.

P91 – Para 2.149

*Proposals may, exceptionally, be viewed more favourably where the redundancy of employment use is proven (under the requirements of Policy E1) or where the proposal involves the conversion of offices and **tourism accommodation Is this sensible?**; and where it delivers demonstrable environmental benefits through reduced intensity of use and visual improvement to the building and its setting.*

P93 – Para 2.158

*The redevelopment of modern agricultural buildings by demolition and replacement for another use will not be supported, since these would have been permitted to meet agricultural need. If no longer so required they should be removed or re- used for agriculture or employment-related uses. Similarly, the redevelopment of glasshouses will not be permitted. **See our comments to Para 2.147, above.***

P95 - Policy NE 7 - Green Zone

The Green Zone, as designated on the Proposals Map, will be given a high level of protection from development and there will be a general presumption against all forms of development, including but not limited to:

- the development of a new dwelling (other than as a replacement under 3 and 10 (under 10, the dwelling would not be a "replacement"); the provision of new, under 4; or conversion under 9, below); "3" allows a new dwelling to replace an existing residential ancillary building, and "10" potentially allows a new house in place of a redundant employment building.
- facilitating a separate household by means of an extension, conversion or new build (other than to meet changing family circumstances under 1c below); Should this include staff or guest accommodation?
- the change of use of land to extend a domestic curtilage; How is domestic curtilage defined?
- redevelopment of modern agricultural building(s) involving demolition and replacement with a building(s) for another use, or their conversion to a non-employment use; Is this truly sustainable in all cases?
- redevelopment of glasshouse(s) involving demolition and replacement with a building(s) or conversion for another use, or their conversion to a non-employment use. This is potentially contradicted later in the Plan.

Only the following exceptions may be permissible, and only where they do not cause serious harm to landscape character:

Residential

1. the extension of a dwelling, but only where;
 - a. its design is appropriate relative to existing buildings and its context;
 - b. it does not facilitate significant increased occupancy (who decides what is deemed to be "significant" – would it be feasible to include an allowable percentage increase?); and,
 - c. in the case of an extension or the conversion of part of an existing dwelling that would lead to the creation of a separate household:
 - i. the accommodation is for an elderly relative or a relative who requires a degree of care and/or support for their health and well-being Could this include staff or guest accommodation?
 - ii. the new accommodation is capable of re-integration into the principal dwelling – See our comments under para 2.131, above, ; and
 - iii. it is designed to lifetime home standards, and
 - d. it does not seriously harm landscape character.

.....

3. *the redevelopment of an existing dwelling and/or an existing ancillary residential building and/or structure, involving demolition and replacement, but only where the proposal would:*
 - a. *not facilitate a significant increase in occupancy See our comments above re "significant" ; and*
 - b. *give rise to demonstrable environmental gains, contributing to the repair and restoration of landscape character.*

.....

Employment

5. *the extension and/or intensification of use of existing employment buildings and land, but only where, having regard to the planning history of the site:*
 - a. *the requirement for a coastal or countryside location can be adequately justified; See our comments under para 2.136, above*

.....

9. *the change of use of employment land and buildings (involving conversion of a building) to non-employment uses but only where:*
 - a. *the redundancy of employment use is proven in accord with Policy E1: Protection of employment land or where the development involves office or tourism accommodation; and*
 - b. *it gives rise to: demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use; and improved design and appearance of the land and building(s); or*
 - c. *it secures a viable alternative use for a traditional farm building in accord with Policy ERE4.*

Is a modern agricultural building an "employment use" and if so why is para 2.148 (above) included in the Plan?

10. *the redevelopment of an employment building(s), involving demolition and replacement for another use, but only where:*
 - a. *the redundancy of employment use is proven in accord with Policy E1: Protection of employment land or where the development involves office or tourism accommodation;*
 - b. *and it gives rise to: demonstrable environmental gains, contributing to the repair and restoration of landscape character; reduced intensity of occupation and use; and improved design and appearance of the land and building(s).*

In essence "10" would allow for a new dwelling.

P100 - Proposal 8 - Landscape Management Strategy

The Minister for Planning and Environment will prepare an Island Landscape Management Strategy as a key element in the stewardship of the countryside, and will set out a programme of conservation, management, enhancement and

restoration of landscape and wildlife resources. This will be undertaken in co-operation with other public and private agencies, interest groups, landowners and farmers.

Has this been undertaken, and if not, is there an intention to do so and when?

P104 - Historic Environment – Para 3.5

*There should be a general presumption in favour of the preservation of the character and integrity of protected areas, buildings and places, except where a convincing case can be made for alteration or, in exceptional cases, demolition. While the protection of a building or place should not be seen as a bar to all future change, the starting point for the exercise of control is the requirement to have regard to the desirability of **preserving** the building, place or its setting or any features of particular architectural, archaeological or historic interest which it possesses. The key to this is to ensure the heritage asset is properly assessed and understood before proposals for change are drawn up. Conservation of the historic environment reflects the great importance to society of protecting the historic environment from unnecessary demolition and from unsuitable and insensitive alteration, and should be the prime consideration for all those considering works to protected buildings and places.*

In our opinion there tends to be an overly exuberant interpretation of the highlighted word "preserving".

P106 – Para 3.15

Alterations to Listed buildings and places will be expected to be of an appropriate design, using traditional materials and skilled work and craft. Any replacement of the fabric of protected buildings should be ~~kept to a minimum in order~~ APPROPRIATE to REASONABLY maintain the integrity and character of the structure. Proposals for change should also be in scale with the building or place and respect its character.

In light of the comment above, would it be possible to consider a re-wording as suggested above?

P107 - Policy HE 1 - Protecting Listed buildings and places

*There will be a presumption in favour of the preservation of the architectural and historic character and integrity of Listed buildings and places, and their settings. Proposals which do not **preserve or enhance** the special or particular interest of a Listed building or place and their settings will not be approved.*

Permission will not **(add the word normally?)** be granted for:

1. *the total or partial demolition of a Listed building;*
2. *the removal of historic fabric, which might include roofing materials, elevational treatments (such as render or stucco) and their replacement with modern alternatives;*
3. *the addition of external items, such as satellite dishes, antennae, signs, solar panels and roof lights, which would adversely affect the special interest or character of a Listed building or place, and its setting;*

4. extensions, alterations and changes which would adversely affect the architectural or historic interest or character of a Listed building or place, and its setting.

The highlighted words "preserve or enhance" are considered to be overly onerous and restrictive.

P112 - Policy HE 3 - Preservation or enhancement of Conservation Areas

*Development within or affecting the setting of a Conservation Area should seek to **preserve or enhance** all features which contribute positively to the area's character or appearance. Special regard will be paid to the impact of proposed development on the character or appearance of Conservation Areas, and development proposals that will have an adverse impact on that character or appearance will not be permitted.....*

The highlighted words "preserve or enhance" are considered to be overly onerous and restrictive.

BUILT ENVIRONMENT

P120 – Para 4.9

There is no deliberate 'relaxation' of the Built-up Area boundary in this Plan to meet development need, or, with one exception, the planned release of greenfield land on the edge of the Built-up Area. The Spatial Strategy is very much focused on the development and re-use of existing urban areas and previously developed land to meet the Island's needs, except where there is a clear and demonstrable justification for development in the coast and countryside.

This statement is unduly onerous and potentially results in the affluent ghetto-isation of the countryside.

P121 – Para **4.10**

It needs to be clearly recognised, however, that unless land in the Built-up Area is developed at higher and more land-efficient densities than have previously been achieved, in accordance with the strategic policies of the Plan (SP2 [Policy SP 2 'Efficient use of resources'](#)), it will not be possible to meet all the Island's identified needs, particularly for housing, without reviewing the need to release greenfield sites for development during the Plan period.

Whilst there are good examples of higher densities having been achieved in the Built Up Areas, the presence of the Third Party Appeal system tends to prevent significant increases in density, and there is often a reluctance on the part of the Planning Department to support appreciable increases in density.

P131 - Policy BE 1 - Town centre vitality

To promote the vitality of the Core Retail Area of the Town Centre as defined on the Proposals Map the Minister for Planning and Environment will;

12. support the conversion of under-utilised upper floors to residential use. In such cases, *normal residential standards will be applied flexibly* to enable the best use to be made of such accommodation;

This does not always occur in reality.

P133 – Para 4.47

The Masterplan for the Esplanade Quarter proposes the sinking of Route de la Liberation to provide seamless links between the old town and the waterfront.....

The section would need to be amended?

P137 – Para 4.61 - Higher density development and conversions in St Helier

The Minister for Planning and Environment has made it clear that he wishes to raise significantly the design quality of new buildings, and is prepared to 'reward' excellent design with higher densities of development: he is keen to encourage property owners and developers to consider how they can produce high-quality development at higher densities, while at the same time, benefiting the St Helier community. This needs to be considered within the context of seeking to secure the optimum use of developable land, having regard to issues such as design, character and impact on amenity of neighbouring uses and users ...

In terms of the red highlighted text above, this does not always occur in reality.

P138 – Para 4.66

The Minister has already published draft development guidelines for the Town for consultation, which set out how regeneration of the Town might be encouraged and how better quality design and higher density development might be achieved. On the basis of the response to consultation, and having regard to the objectives in the Plan, the Minister will issue supplementary planning guidance to comprehensively address, in particular, standards applicable to amenity space and parking requirements, throughout the Island.

Only draft documents have been published – standards for amenity and parking are inadequately defined.

P148 – Para 4.88 - Small urban centres

The need for additional Local Development Plans and the ability for this work to be resourced, will be reviewed by the Minister for Planning and Environment on an annual basis during the Plan period.

As far as we are aware, the above has not happened, and does not happen.

RURAL CENTRES

P150 - Proposal 17 - Village Plans

Where new development is proposed to protect the vitality and viability of Jersey's smaller rural settlements the Minister for Planning and Environment will require the parochial authorities to undertake and develop their own village study or plan.....

The undertaking of Village Plans, as far as we are aware, has been sporadic and is incomplete. Given the emphasis on Built Up Area development, in particular the intention to concentrate development in St Helier, the development of Village Plans would seem to be an intrinsic and essential requirement of the Plan to ensure that development is balanced throughout the Island. More resources need to be dedicated to this process.

P153 – Para. 4.100

Particular care is, therefore, required to ensure that the redevelopment of existing buildings, involving their demolition and replacement; does not seriously harm the character of St. Brelade's Bay.

Accordingly, replacement buildings here should generally not be larger than that being replaced: in the case of tourism accommodation coming out of this use there is the possibility of reducing the visual impact of these often large buildings by some or all of: a reduced visual scale, mass and volume of a building, particularly where existing buildings are large; more sensitive and sympathetic siting and design; materials, colours and finishes more sensitive to the character area.

It is our opinion that this statement and, in particular, the highlighted text, does not give much incentive for development that could well provide significant improvements.

P154 - Policy BE 4 - Shoreline Zone

.....Within the Shoreline Zone for St. Brelade's Bay, the following forms of development will not normally be approved:

4. *the redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of any of gross floorspace, building footprint or visual impact than the building being replaced.....*

As above, this statement does not give much incentive for development that could well provide significant improvements.

P157 - Policy BE 5 - Tall buildings

Tall buildings, defined as those either above approximately 18 metres in height, or rising more than 7 metres above their neighbours, will only be permitted where their exceptional height can be fully justified, in a Design Statement, in urban design terms. Development which exceeds the height of buildings in the immediate vicinity will not be approved.

In terms of the aim of the IP to increase densities, the highlighted comments above would not appear to be very helpful!

P162 - Policy BE 10 - Roofscape

The siting of roof plant, equipment or other structures on the roofs of new or existing buildings, where it projects above the roofline will not normally be permitted.

Where roof plant enclosures already exist, there will be a presumption against the placing of new roof plant, equipment or other structures which extend outside or which would serve to enlarge the existing roof plant enclosure.

In exceptional circumstances, where it can be demonstrated that plant, equipment or other structures essential to the use of the building cannot be located within the existing building envelope, such development may only be permissible where it is located in a position that:

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;*
3. *will not have an unreasonable impact on public health, safety and the environment, by virtue of noise, dust, light, odour, fumes, electro-magnetic fields or any other form of emission; and*
4. *will not have an impact on the safe operations of the airport.*

As a general point, and whilst the objective of this policy is understood, it is considered that the wording would benefit from a thorough consultation with the industry, in particular from M and E Consultants.

ECONOMY

P167 - Objective E 1 - Economy objectives

.....

2. *Provide sufficient land to meet the requirements of the office and industrial sectors;*

Is the Planning Department actively attempting to identify land for the industrial sector? If not, then it is unlikely that such premises will be developed at all.

P170 - Policy E 1 - Protection of employment land

There will be a presumption against development which results in the loss of land for employment use as supported by the Strategic [Policy SP 5 'Economic growth and diversification'](#), unless;

1. *it is demonstrated that the site is inappropriate for any employment use to continue, having regard to market demand. Applications will need to be accompanied by documentary evidence that the size, configuration, access arrangements or other characteristics of the site make it unsuitable and financially unviable for any employment use and confirmation by full*

and proper marketing of the site on terms that reflect the lawful use and condition of the premises, or;

Is there a Government Department that is technically capable of analysing the figures arising out of marketing exercises?

P171 - Objective EO1 - Office policy objectives

...

4. *Allow the provision of small-scale offices within urban and key rural settlements, where they can provide local employment.*

Does this actually occur in practice?

P175 – Para 5.42 - Other small scale office developments

While major office development has taken place predominately in St Helier, there is likely to be a requirement in the future for small scale office developments (below 250 sq.m) [where does this figure come from and what is the logic behind it?] within the town of St Helier, and the urban and key rural settlements. Such development can reduce the overall need for travel and support the life and viability of the urban and rural settlements. However, such developments will require careful consideration as they can lead to traffic and car parking problems, have an impact on the amenity and character of the area and can cause disturbance to neighbouring uses.

P175 – Para 5.43

Within the small rural settlements, small built-up areas and outside the Built-up Area boundary, small-scale office developments may only take place where they would be an appropriate use of existing buildings and subject to all other planning policies and criteria for developments in the countryside.

What is the reasoning behind this statement?

P175 - Policy EO 3 - Other small scale office development

Small-scale office development will be permitted within the town of St Helier, and the urban and key rural settlements where the proposal accords with [Policy GD 1 'General development considerations'](#).

Outside the town of St Helier and the urban and key rural settlements, office use will normally only be allowed where it would be a conversion of an existing non-residential building.

What is the reasoning behind the red highlighted text?

ECONOMY RETAIL

General Comment

We would note that retail is experiencing significant issues with the rise of e-commerce. This is undoubtedly affecting the town centre vitality. Could the next version of the IP address this issue?

LIGHT INDUSTRY ETC

P192 - Objective EIW 1 - Light industry and warehouse policy objectives

1. *Protect existing industrial estates and sites from development for non-industrial uses;*
2. *Ensure that sufficient land is available to provide for the relocation of inappropriately located industry;*
3. *Allow for the expansion of existing industries and the formation of emerging industries;*
4. *Support the provision of small-scale workshops and industrial premises within key settlements, where they can provide local employment;*
5. *Ensure that light industrial development is concentrated in locations where the impact on the landscape, agriculture, adjacent land-uses and transport and utilities infrastructure is minimised.*

In respect of 2 and 4 above, how are these objectives being sought?

P196 - Proposal 19 - Provision of light industrial and warehouse land

In order to meet the demand requirements for light industrial land, additional land will be considered for potential light industrial development over the Plan period.

It is anticipated that this land could come from the following potential sources, which will, in some cases, need further examination and may require consultation before any development can take place;

- *La Collette and surrounding harbour areas*
- *non-operational land at the airport*
- *other States-owned land*
- *existing light industrial sites*
- *development of existing agricultural premises/windfall development opportunities*

The demand for light industrial and warehouse land will be monitored and kept under review over the Plan period.

Has the statement at the end of the proposal (highlighted in red) been complied with? For example, the following policies.

In respect of the last bullet point in the Proposals above, the parts of the following Policies highlighted in red would seem to contradict the intention.

P. 200 - Policy EIW 4 - Extensions or alterations to existing industrial buildings

The extension or alteration of existing industrial buildings will be encouraged, provided that the proposal accords with Policy GD1 'General development considerations'.

Proposals which do not satisfy this policy will not be permitted.

There will be a presumption against extensions, alterations and/or the intensification of use of existing industrial buildings outside of the Built-up Area and designated industrial sites.

P. 200 - Policy EIW 5 - Industrial development in the countryside

There will be a presumption against development for industrial purposes in the countryside. Proposals will only be permitted for forms of development which must occur in the countryside, where they are;

- 1. directly related to the winning, processing, treatment and transportation of minerals; waste management including recycling; or the processing of agricultural products;*
- 2. essential for the processing to take place close to the source of raw materials;*
- 3. related to the expected life of the raw material source or landfill site; and*
- 4. in accordance with Policy GD1 'General development considerations'.*

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

There is no mention of agricultural buildings in Policy EIW5, as referred to in Proposal 19. Is there a need to provide greater differentiation in the Use Classes?

P 202 - ERE Stewardship in agriculture – General Comment

Farmers are not only stewards of the countryside – they also need to run efficient and profit-making businesses, otherwise they will not continue and then who will act as the steward of the countryside?

P204 - Policy ERE 1 - Safeguarding agricultural land

*There is a presumption against the permanent loss of **good** agricultural land for development or other purposes....*

*In practice there would appear to be a presumption against loss of **all** agricultural land – not just **good** agricultural land.*

P 205 – Para 5.147 - Enabling Development

It is nevertheless possible for some business modernisation, with new facilities, to have a positive impact on the countryside, particularly when it is conditioned on the removal of unsightly, disused buildings, or on general amenity improvements. Such an arrangement might be used to achieve the clearance of derelict and eyesore sites, such as no-longer viable glasshouses, and the return of the site to a natural condition, as part of a larger package. There could be an element of 'cross-subsidy', in planning gain terms, with construction on one site being offset against amenity improvements on the same or a different site.

The above paragraph could well be seen to conflict with other parts of the Plan Policies, particularly NE6 and NE 7.

P 209 - Policy ERE 5 - Change of use and/or conversion of modern farm buildings

There will be a general presumption against the change of use and/or conversion to other use of modern farm buildings unless the redundancy of the building to the farm unit and to the agriculture industry as a whole is proven by the applicant, to the satisfaction of the Minister for Planning and Environment, that the building is not of strategic importance to the agricultural industry.

If the Minister is satisfied that the building is redundant to the needs of the agricultural industry, then consideration may be given to an alternative use provided that the proposed use is appropriate to the Island's economic needs, such as light industry, warehousing or distribution uses.

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

Where permission is granted the Minister will, as appropriate, impose conditions relating to external storage of materials, parking, landscaping and visual improvements to the building.

The above Policy could well be seen to conflict with other parts of the Plan Policies, particularly NE6 and NE 7.

P211 - Policy ERE 7 - Derelict and redundant glasshouses

There is a presumption against the redevelopment of redundant and derelict glasshouses for other uses, unless the alternative use is directly related to agriculture or diversification of agricultural activity.

Glasshouses which have become surplus to the requirements of the existing user, but which are considered to be of value to the horticultural industry, should be retained in the industry and advertised for sale or rent.

Where glasshouses are no longer viable to the horticultural industry and a 'disuse and disrepair' condition is attached to the planning permission, then the landowner will be required to comply with that condition.

In exceptional circumstances, the development of redundant and derelict glasshouse sites may be considered for non-agricultural purposes, provided that the amount of development permitted will be the minimum required to ensure a demonstrable environmental improvement of the site by the removal of the glasshouses and any contaminated material, the reduction in the area of buildings, and the repair to the landscape, and accords with Policy GD1 'General development considerations'.

Where disused or derelict glasshouse sites without a 'disuse and disrepair' condition are in a sensitive and isolated location, the Minister may consider the entire land-holding in order to determine the most appropriate area for development, which may not necessarily be on the site of the existing derelict glasshouses.

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

The above Policy could well be seen to conflict with Policies NE6 and NE 7.

P212 – Para 5.165

*The great strength of tourism is that it is a **sustainable activity** based on the sensitive exploitation of Jersey's natural resources. Properly managed and developed, it has a long-term future and prospects for growth. Tourism cannot flourish in Jersey without the wholehearted support of the States and the wider community. There is a concern that tourism is taken for granted and not given the recognition it deserves.*

On what basis is tourism stated to be a sustainable activity? This could do with some clarification if the phrase is not to become trite.

P215 - Policy EVE 1 Visitor accommodation, tourism and cultural attractions

The development for new tourism accommodation, and extensions to existing hotel, guest house, other tourism (including self-catering) accommodation and visitor attractions, will be permitted within the identified built up area boundary provided it accords with Policy GD1 'General development considerations'.

Within the Green Zone, proposals for visitor accommodation, tourism and cultural attractions will be determined in accordance with Policy NE7 'Green Zone'.

Within the Coastal National Park, proposals for visitor accommodation, tourism and cultural attractions will be determined in accordance with Policy NE6 'Coastal National Park'

Proposals for visitor accommodation, tourism and cultural attractions with implications for the Marine Zone will be determined in accord with Policy NE5 'Marine Zone'

The wording of the Policy does not really help tourism in that The Green Zone and the CNP are to a certain extent one of the natural environments for tourist facilities.

P236 – Para 6.81 - Housing

*Whilst the principle of providing a higher density of development is easily accepted, the reality of delivering higher densities of development 'on the ground' can be more challenging, **where there is a need to ensure that new development respects the existing character of the area.***

The highlighted text is unhelpful and inconsistent with other parts of the IP.

GENERAL NOTE ON HOUSING

Would it be worth considering the re-introduction of Policy H3 in respect of Affordable Housing?

P245 - Para 6.115 – Rural Centres Affordable Housing.

It is not envisaged that the scale of development or provision of affordable homes in or around rural settlements would be large and any development should be appropriate in scale and character to the settlement context and setting of the site, whilst seeking to ensure the optimum density of development. *It is currently envisaged that the total number of affordable homes to be delivered through this policy would amount to no more than 50 units over the remainder of the Plan period, although it is accepted that other proposals may emerge.*

Why is it felt necessary to state a number? Would it be more helpful if a range were stated?

P246 - Para 6.121

Where Village Plans are to attain formal status as part of the planning framework for the protection and development of one of the Island's rural centres they will require the formal review, approval and adoption by the Minister for Planning and Environment as supplementary planning guidance. In such circumstances, any development proposals in the Village Plan must be consistent with the Island Plan and must relate to and be within the defined Built-up Area boundary for the settlement, as defined on the Island Plan Proposals Map.

Would it be possible to make Village Plans mandatory, with timescales on delivery?

P 249 – Para 6.127 – Housing Development with the BUA

The intention of designating a Built-up Area boundary is to contain future development within existing limits and thus prevent encroachment into the countryside. It is often said, however, that there are many small corners of land in the countryside, which could take 'infill' developments. On its own, an individual development might not appear intrusive but the cumulative impact would be severe for the Island's countryside *and also have implications for travel patterns* and the cost of providing community and utility services.

In respect of the red highlighted text above, does this consider those people who do not work in St Helier?

P254. – Policy H8 - Registered lodging accommodation

Proposals for new and conversion of buildings for registered lodging accommodation will be permitted within the boundary of the Built-up Area, as defined on the Island Proposals Map, provided that the proposal:

1. meets a proven need for lodging accommodation; *who is proving the need and who is assessing?*
2. meets, or in the case of conversions of existing buildings, meets as closely as possible, the required standards for housing as established and adopted by the Minister for Planning and Environment through supplementary planning guidance.

How is the need for such accommodation to be addressed if no lodging house applications are submitted? What about the cost of such developments given that the intention is to make lodging house accommodation effectively the same as qualified accommodation in terms of amenity and space standards?

P255 – Para 6.148 - Staff and key worker accommodation

*In accordance with the strategic policies of the Plan, there is a presumption against the provision of new dwellings outside of the Built-up Area as this would contribute towards an unsustainable pattern of development in the Island and erode the character of the countryside. There may, however, be exceptional circumstances where it can be demonstrated that a new dwelling in the countryside is justified, in particular, for the essential functioning of a farm holding. **What about Hotels, etc?** Such circumstances may arise in respect of accommodation that is required for a key agricultural worker, such as a bona fide agriculturalist who may be a new entrant to the industry, or for a member of farm staff who, for the proper functioning of the farm, needs to be on site.*

The Plan makes no differentiation in practice between staff and key worker accommodation and standard dwellings – surely it should?

P256 - Policy H9 - Staff and key agricultural worker accommodation

*Staff and key agricultural worker accommodation should **be provided in the Built-up Area** and be of a standard that is in accordance with the Minister for Planning and Environment's published guidance for housing.*

Planning permission for staff accommodation outside the Built-up Area will not be permitted unless it is demonstrated, to the satisfaction of the Minister for Planning and Environment, that the proposal:

1. *is essential to the proper function of the business,*
2. *cannot be provided on a site within the boundary of the Built-up Area and still meet the functional need,*
3. *cannot be provided by an existing building, either on or off the site, and still meet the functional need,*
4. *cannot be provided by rearranging, subdividing or extending an existing building on the site,*
5. *where possible is located within or adjacent to the existing business premises, or other buildings on the site; and*
6. *is of a size appropriate to its functional need.*

*Proposals for staff accommodation through the conversion, rearrangement, subdivision or extension of an existing building, or through the provision of temporary buildings should meet, as closely as possible, **the required standards for housing as set out in the supplementary planning guidance** issued by the Minister for Planning and Environment. The provision of such accommodation which does not meet those standards established for lodging houses will not be permitted.*

Permission for new housing in the countryside to house key agricultural workers will not be permitted unless, in exceptional cases, it is demonstrated, to the satisfaction of the Minister for Planning and Environment, that the proposal meets all of the criteria identified above and is solely for occupation by a bona fide agriculturalist.

New permanent housing for key agricultural workers will not be permitted unless it meets the required standards for housing as set out in the supplementary planning guidance issued by the Minister for Planning and Environment.

Where permission is granted for staff accommodation and/or new dwellings to house key agricultural workers in the countryside, their occupation will be restricted, by condition, to those employed in the relevant industry. In the case of new dwellings for key agricultural workers, this will be related to persons employed or last employed in agriculture as bona fide agriculturalists. For as long as there is a need within the relevant industry, the Minister will not relinquish such occupancy conditions.

In terms of the Planning system supposedly supporting what are seen as key businesses, e.g. tourism and agriculture, this policy places a huge amount of onus upon the applicant to prove the need for staff accommodation within the location where it is actually needed.

The requirement that staff accommodation should meet the standards required under the housing standards SPG is also unduly onerous. Should there not be a separate set of requirements for such accommodation?

In terms of the "sustainability" focus of the Plan, surely a requirement which means that the preferred staff accommodation location is within the Built-up Area inevitably, and in many cases, increases trip generation?

P257 - Policy H10 - Conversion to flats

The conversion of larger dwellings into smaller self-contained housing units will be permitted if the development is in accordance with the required standards for housing as set by the Minister for Planning and Environment and meets the Island's housing needs, in accord with Policy H4 'Housing Mix'.

This sounds fine in principle but if read in isolation is potentially in conflict with NE6 and NE7 - should this be clarified?

P258 – Policy H11 - Loss of housing units

Proposals that would lead to the loss of housing units will not be permitted except where it can be demonstrated, to the satisfaction of the Minister for Planning and Environment, that such loss is justified on the basis of:

- 1. the replacement of sub-standard accommodation; or*
- 2. better meeting the Island's housing needs, in accord with Policy H4 'Housing Mix'; or*
- 3. the maintenance and enhancement of the historic environment; or where*
- 4. the value of the development to the Island outweighs the loss or reduction in the Island's housing stock.*

In practice, particularly in the CNP and Green Zone, this policy would appear to be honoured more in the breach than the observance.

P268 – Policy SCO 3 - Community facilities

Proposals for the development of new or additional community facilities or for the extension and/or alteration of existing community premises will be permitted provided that the proposal is,

1. within the grounds of existing community facilities [why not elsewhere?], or
2. within the Built-up Area; [why just in the BUA?]

P 273 - Proposal 25 - Open Space Strategy

To ensure the adequate provision, accessibility and quality of open spaces throughout the Island and in local neighbourhoods, the Minister for Planning and Environment will, in consultation with relevant stakeholders and through engagement with the local community, develop and adopt an Open Space Strategy which will:

- identify open space provision throughout the Island and define its quality and accessibility,
- develop Jersey standards for the provision, quality and accessibility of open space, which include considerations of safety, convenience and ease of access, with particular regard given to the mobility-impaired and the elderly when living communally;
- assess the need for the provision and/or enhancement of open space,
- work with stakeholders to develop proposals and policies to deliver new or enhanced provision, including the potential introduction and use of new planning policies to realise objectives.
- include a review of the ability of States-owned and privately-owned land to contribute towards the need for, and quality of, open space provision, particularly in St. Helier and other parts of the Built-up Area.

Has this yet been published and, if not, is there a programme to do so?

P277 - Policy SCO 5 - Provision and enhancement of open space

.....

To ensure the adequate provision, accessibility and quality of open spaces throughout the Island and in local neighbourhoods, the Minister for Planning and Environment will require the provision of open space in association with new development. Development proposals which do not make adequate open space provision will not be approved. Open space provision will need to be made in accord with supplementary planning guidance to be developed and adopted by the Minister in accord with Proposal 22.

As regards to the text highlighted in red, this does not appear to happen in most cases and is often unfeasible in practice. Should the phrase 'if appropriate' be added at the end of the highlighted text?

P279 ALLOTTMENTS - Policy SCO 6 - Allotments

The development of land for allotments will be permitted provided that the **proposed development is located within or close to the Built-up Area** and does not have a seriously adverse environmental impact, in accord with Policy SC)5 'Provision and enhancement of open space';

The highlighted text seems overly onerous in terms of location, and would almost inevitably, in most cases, prevent sites being brought forward for such uses. The ability to use at least Green Zone sites for allotments should surely not be unconditionally excluded.

TRAVEL AND TRANSPORT

P283 – Para 8.7

The situation with regards to vehicle use is less clear: traffic flows in the Island appear to have decreased from the late 1990s to 2003/2004. Since then, traffic levels would appear to have stabilised and, following the introduction of a more comprehensive network of monitoring sites of traffic flow into St Helier from 2007, **may** now be revealed to be increasing. Local congestion still occurs during peak hour flows on the Ring Road and on principal routes into St Helier, with specific congestion hot spots at locations such as Beaumont/La Route de la Haule.

In terms of the highlighted text, do we not know for sure?

P283 – Para 8.11

Approximately one third of greenhouse gas emissions in Jersey come from motorised vehicles. Air quality, measured at specific kerbside sites, is generally within recommended guidelines but remains steady rather than improving. There are instances where the levels of certain air pollutants exceed limits but only longer-term monitoring can determine the actual situation. Legislation on the emission standards of new vehicles should reduce pollution from this source over the next few years, but greenhouse gas emissions will continue to rise and congestion levels will have an affect. An air quality strategy for Jersey remains to be adopted.

Given that electric cars are increasingly becoming the norm and internal combustion vehicles may well be banned from sale by 2030, should this not inform strategy in terms of emissions?

P. 288 - Policy TT1 - Protection of the Island's footpath and cycle network

In order to protect the integrity of the Island's footpath and cycle network, both off road and along the roadside, development proposals that would result in the loss, or prevent the use, of any part of the pedestrian or cycle network or other rights of way, or future development of these networks or compromise the safety of users thereon, will not be approved, unless alternative routes are provided that are similar or better in quality, safety, convenience and length.

Is the Government approach to the cycle and footpath network reactive rather than proactive? We are not aware of any long-term plans for pedestrian improvements, for example, on dangerous roads such as on the A8 in Trinity.

P288 – Para 8.34

Whilst extensive road-widening programmes to effect improvements to the highway network based on a proactive approach to the acquisition of land have previously been identified, they have not been implemented. The objective of improving the footpath network, however, remains and this must be achieved through other means. Development proposals can present opportunities to secure the provision of new pedestrian facilities, where none exist, or provide for the enhancement and widening of existing roadside footpaths along the Island's primary route network. Proposals for new development adjacent to the existing primary route network will be assessed on a case by case basis to evaluate the provision of new roadside footpaths or the enhancement of existing pedestrian infrastructure as an integral element of the development proposal. Significant new development that is not adjacent to the existing primary route network or is not well connected to the existing footpath network may be required to provide new pedestrian facilities through the use of planning obligation agreements.

See comment directly above.

P295 - Policy TT3 Cycle Routes

Is this policy actually viable in terms of land acquisition? Has any progress been made in terms of acquisition?

P. 300 – Para 8.78 - Park and Ride

The environmental implications - at both a local and strategic level - of proposals for park and ride facilities, including impact on air quality, noise and congestion, as well as biodiversity and the historic environment, need to be considered within the context of Policy GD1 'General development considerations'. The Minister for Planning and Environment would expect that an appropriate evaluation of options for the provision of park and ride facilities is made in the development of any emergent proposals during the Plan period, to ensure that they are genuinely accessible by a choice of means of transport; and provide the greatest value and benefit relative to the objectives of the Sustainable Transport Policy (2010).

Has this evaluation been undertaken, and, if not, is there a programme to do so?

P.302 – Policy TT7 Better Public Transport

Should this Policy be linked to a wider States initiative to make long term parking in St Helier more expensive, and is this desirable?

P.303 - Policy TT 8 - Access to public transport

All development of 10 units of residential accommodation and employment-related land uses with floorspace of over 250 sqm (for office use) and 500 sqm (for retail use) and where other

development proposals are likely to lead to a significant movement of people into and out of a site, should be within **400 metres** of a bus service.

Where the provision of a bus service is not available, or where the frequency of bus service is considered to be too low relative to the scale and/or nature of the development proposals, the developer will be expected to support the provision of an appropriate public transport service.

The 400m distance seems somewhat arbitrary – is it based upon any research?

P 305 - Para 8.95 - Parking

The majority of parking spaces in St Helier, however, are private, comprising 3,500 residential and 7,000 private non-residential spaces.

These figures are presumably in need of updating.

P.313 - Policy TT 11 - Private car parks in St Helier

Planning permission for the development of new private non-residential car parks with public access in St Helier will not be permitted, except where;

- the provision of such car parks will contribute to reducing vehicular penetration of, and congestion in, core areas;
- such car parks replace an existing private non-residential car park within the Ring Road; and
- there is no net increase in the provision of private non-residential car parking spaces.

The redevelopment of existing private car parks that are available to the public and are not related to any particular building, for uses other than car parking, will generally be encouraged.

Is this Policy working in practice?

P316 - Proposal 29 - Parking guidelines

The Minister for Planning and Environment will develop, consult upon, and adopt supplementary planning guidance which sets out new parking guidelines.

The SPG has only been issued in draft format – is there a programme for developing the SPG to adoption?

P317 - Policy TT 13 - Protection of the highway network

The Minister for Planning and Environment, in conjunction with the Minister for Transport and Technical Services and parish roads committees, will support the definition and function of an Island Highway Network comprising local routes (minor roads); secondary routes (B and C roads); and the Primary Route Network (A and some B roads).

The creation of new access points onto the Primary Route Network will be approved, **except on La Route de la Haule, between Bel Royal and Beaumont** where the creation of new vehicular access points will not be permitted, subject to;

1. the provision of a safe and adequate access; and
2. where it does not adversely affect the landscape, townscape, cultural heritage or biodiversity resources of the Island in accord with Policy SP4 'Protecting the natural and historic environment'; Policy SP7 'Better by design' and Policy GD1 'General development considerations'

Is the exception highlighted above based on reliable data?

P 321 – Policy TT 14 - Highway improvements

The principle of implementing schemes for the provision of new or the enhancement of existing roads at the following locations is supported, *but remains to be subject to detailed evaluation and cost benefit analysis.*

- St Helier Ring Road: Francis Street/St James Street
- Beaumont/Route de la Haule

Progression of these schemes to implementation will only be supported if:

1. they are absolutely necessary to overcome existing congestion levels and can demonstrate that an overall reduction in congestion would be achieved; or
2. they remove traffic from less suitable areas and improve road safety; or
3. they can facilitate development that is of demonstrable value and significance to the Island's social, community or economic interests; or
4. they can deliver benefit that would support modal shift, through improvements to public transport, cycling or walking, and
5. after careful evaluation of the environmental cost and benefits, the scheme will result in tangible or neutral environmental benefits and impacts.

In considering the design of new roads or widened roads, the needs of pedestrian and cyclists must be taken into account.

Has this evaluation been undertaken, and, if not, is there a programme to do so?

P 342 - Policy NR 3 - Air quality

Development that would have a significantly adverse effect on air quality, taking into account the cumulative impact of other proposed or existing sources of air pollution in the area, will not be permitted when it would breach key targets identified in association with the emergent Air Quality Strategy, or when it is considered that it would cause harm to the health, safety and amenity of users of the site or the surrounding area or put at risk the quality of the environment.

Such developments may be permitted, however, where the potential pollution problems can be overcome or contained to within acceptable limits by agreement on suitable mitigating measures, to the satisfaction of the Minister for Planning and Environment. Any required mitigation measures

and monitoring requirements before, during and following development will be secured by means of planning conditions or planning obligations, as appropriate.

The Minister for Planning and Environment will require the submission of a full and detailed 'Air Quality Assessment' with applications, in order to assess the extent of effects on air quality where it is considered appropriate, including:

1. **developments which significantly increase emissions from road traffic**
2. industrial activities, quarrying, landfill and other waste management operations which involve potential air pollutants;
3. energy generation projects;
4. major developments (>10 homes / 1,000m² floorspace) within or near to and likely to have an adverse effect on, any 'Air Quality Management Areas' which may be identified in response to on-going air quality monitoring, improved monitoring and modelling techniques and/or changing air quality standards;
5. Proposals to locate air pollution-sensitive development close to existing sources of air pollution and/or in areas with existing unacceptably poor air quality.

Where a proposed development requires an Environmental Impact Assessment, the Minister for Planning and Environment will consult with the relevant health and environmental protection regulatory authorities to determine

whether the assessment should include consideration of emissions to air and the likely impacts on health and the environment.

Given that electric cars are increasingly becoming the norm and does this policy need to be amended?

P.353 - Policy NR 7 - Renewable energy in new developments

The Minister for Planning and Environment will encourage all developments to incorporate on-site low carbon or renewable energy technologies. However, all non-residential developments with a gross floorspace of 1,000 sqm or more and residential developments of ten or more units, whether new build or conversion, will be required to incorporate on-site low carbon or renewable energy production equipment to off-set predicted carbon emissions by at least 10%, except where:

1. it is demonstrated by the applicant, to the satisfaction of the Minister for Planning and Environment, that such provision would make the development unviable;
2. it would have an adverse visual or amenity impact that would outweigh the benefits of the technology; or
3. at least an equivalent impact on carbon emissions can be met by alternative means.

Who in the Department or in Government will check that the above policy is being met, and why is this being dealt with by Planning Law rather than through the Bye Laws?

More and more developments are moving to electric power which, in Jersey, is around 95% carbon free.

P 444 - Policy IM 1 - Plan, monitor, manage

Compliance with policies and proposals in the Island Plan will be continuously monitored throughout the Plan period. If, through monitoring, it appears that policies and proposals are not being met, the following mechanisms will be triggered:

1. *review of housing and employment land supply and allocations;*
2. *action to bring forward sites for development, wherever possible in partnership with landowners and developers;*
3. *action to bring forward development on previously developed land;*
4. *action to secure the timely provision of infrastructure;*
5. *review of relevant parts of the Island Plan.*

If land supply significantly exceeds estimated take-up rates, applications may be refused, until the Plan is reviewed.

Is this monitoring process being undertaken?

CONCLUSION

We trust that the above comments are found to be useful in the development of the Bridging Island Plan, and the Chamber would be very pleased to discuss matters further with those responsible for the task.

Yours faithfully,

XXXXXX

2011 Island Plan (Revised 2014)

Suggestions for policy review/rewording

SP1 – SP3	Clearer definitions of what is meant by sustainable development and what this means for land-use decision-making.
SP4, SP5, SP6, SP7 – strategic policies	Should there be reference to the specific policies that require cross-reference and review to avoid unnecessary repetition? For example – design is referenced in SP7, GD1 and GD7.
GD1 - General development considerations	Remove para 1a. This is a legacy from GD2, which has been deleted from the Plan. Suggest review – it repeats other policies unnecessarily.
GD3 - Density	SPG referred to needs to be provided. Is 0.2 hectares/0.5 acres the right measure given pressure for development?
GD4 - POAs	POAs are now used by GHE Highways to secure as much off-site infrastructure as possible. Request emphasis in the policy/pre-amble that POAs are only appropriate where off-site development is needed to justify development proposed. Also that POAs must be negotiated as part of planning application process – not a bolt on at the end for GHE Highways to hold applicant's to ransom.
GD8 % for Art	Needs a complete rethink – it is voluntary but treated as mandatory. Is 0.75% value of total project cost appropriate – where is the justification for this. Could its purpose be broadened - include wider range of public realm improvements.
NE6 – Coastal National Park	Reword to allow ancillary buildings. Resist any attempt to define acceptability of development by footprint or floor area limits.
NE7 – Green Zone	Allow new dwellings where they are created by infill – surrounded by existing development on at least two sides. Allow new dwellings where they are created by conversion of ancillary buildings – buildings must be on site before 2020. Confirm that acceptability of new development is not limited by footprint or floor area. Provide for some change of use of agricultural land to domestic curtilage – where appropriate.
HE1 – Protecting listed buildings and places	Remove requirement for preserve and enhance – too stringent. Provide for a more flexible assessment.
HE3/HE4 – Conservation Areas	What's the point there are no Conservation Areas.
Built Up Area policies	Should be informed by strategy for St Helier. Confirm it is the preferred location for new development – higher buildings etc. Where is the open space/public realm strategy? – Fort Regent? PoJ – an important stake-holder with control over large parts of St Helier – where is the Masterplan?

	<p>More policy support for development around parish centres.</p> <p>Does the Tall buildings policy (BE5) need to be rethought – is 18m an appropriate limit?</p>
Economy	<p>Policies need to be reviewed following Covid-19. Is office space likely to be released if businesses embrace home-working?</p> <p>Policy E1 – complete rethink – unnecessary and pointless assessments to prove an existing employment use is not viable. Requiring that sites should be available for sale is also meaningless.</p> <p>Accept that older agricultural buildings are no longer useful and allow them to be redeveloped for housing.</p> <p>ERE (agricultural) policies need a rethink to reflect change in agriculture. More support for small-holders needed.</p> <p>Clarification/rewording of EIW policies – there are few industrial uses in Jersey. Manufacturing, warehousing and distribution uses are referenced but they are not industrial uses – ideally should be supported by a review of Use Classes. More support and flexibility for low-impact commercial uses outside the Built-Up Area.</p>
Housing	<p>Policy support for staff accommodation for rural businesses is best located in the Green Zone – not the Built-Up Area.</p> <p>Confirm policy support for the conversion of large properties outside the Built-Up Area.</p> <p>Need for clarification about lodging accommodation and support where appropriate – requires review of Use Classes.</p>
Social, community and open space	<p>Where is the social, community and open space strategy for the Island?</p> <p>Is there a need for a new school in St Helier?</p> <p>Any comment on new Hospital?</p> <p>There is no policy protection of sports facilities.</p>
Travel and Transport	<p>Update of all parking standards.</p> <p>Contribution to East Coast Cycle Route requires £1350 per new dwelling. Is this in addition to POA contribution?</p> <p>Where is the strategy for providing the ECR? Require update about what has been done to create the ECR in the Island Plan.</p>
Natural Resources and Utilities	<p>Revisit/clarify purpose of NR7 – the requirement for including low-carbon technology/renewable energy is often delivered by the Building Bye-laws.</p> <p>Clearer definitions of what sustainable building is trying to achieve.</p>
Mineral Resources	<p>Update of Minerals Strategy needed.</p>
Waste	<p>Rationalise policy wording and clarify purpose of policies.</p> <p>Update of waste management strategy needed.</p>