

# STATES OF JERSEY



## **ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – EIGHTY-SEVENTH AMENDMENT (P.36/2021 AMD.(87)) – AMENDMENT**

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**Lodged au Greffe on 14th February 2022  
by the Connétable of St. Brelade**

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**STATES GREFFE**

ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – EIGHTY-SEVENTH  
AMENDMENT (P.36/2021 AMD.(87)) – AMENDMENT

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**PAGE 2, PARAGRAPH (iii) –**

For the paragraph to be inserted in Policy GD9 substitute the following paragraph –

“Within the shoreline zone of St. Brelade’s Bay –

- i. the redevelopment of a building for residential use, 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;
- ii. the extension of a building for residential use; and
- iii. any proposal for development that is not accompanied by landscaping proposals sufficient to assist integration of the site with the green backdrop zone, green zone and Coastal National Park areas of the Bay from any public viewpoint from the beach or coastal headlands,

will not be supported.”

**CONNÉTABLE OF ST. BRÉLADE**

**Note:** After this amendment, amendment eighty-seven would read as follows –

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

- (i) on the proposals map, the green backdrop zone should be extended to include that part of the built-up area above Ouaisné, as shown in figure 1 of the report;
- (ii) in Policy GD9 – Skyline, views and vistas, in the third paragraph after the words “provide views” there should be inserted the words “or public access”;
- (iii) in Policy GD9 the following paragraph should be inserted at the end of the policy -

“Within the shoreline zone of St Brelade’s Bay,

- i. the redevelopment of a building for residential use, 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;
- ii. the extension of a building for residential use; and
- iii. any proposal for development that is not accompanied by landscaping proposals sufficient to assist integration of the site with the green

backdrop zone, green zone and Coastal National Park areas of the Bay from any public viewpoint from the beach or coastal headlands,

will not be supported.”

After the amendment, if amended by this amendment, the main proposition would read as follows –

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

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

- (i) on the proposals map, the green backdrop zone should be extended to include that part of the built-up area above Ouaisné, as shown in figure 1 of the report;
- (ii) in Policy GD9 – Skyline, views and vistas, in the third paragraph after the words “provide views” there should be inserted the words “or public access”;
- (iii) in Policy GD9 the following paragraph should be inserted at the end of the policy -

“Within the shoreline zone of St Brelade’s Bay,

- i. the redevelopment of a building for residential use, 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;
- ii. the extension of a building for residential use; and
- iii. any proposal for development that is not accompanied by landscaping proposals sufficient to assist integration of the site with the green backdrop zone, green zone and Coastal National Park areas of the Bay from any public viewpoint from the beach or coastal headlands,

will not be supported.”

## REPORT

The Minister for the Environment has proposed the wording in paragraph (iii) of his Proposition in substitution for the amendment proposed in paragraph (a) of [P.36/2021 Amd.\(58\)](#) and other amendments (P.36/2021 Amd. (53-57) ‘pending the development of the improvement plan for the bay’ ‘which would provide ‘more detail...in due course as resources allow’.<sup>1</sup>

Most of the amendments relating to St Brelade’s Bay (the ‘**Bay**’) have been withdrawn in response to the [Minister’s Post-Consultation Report](#) and the [Inspectors’ Report](#). In some cases, they have been replaced with wording that refines amendments previously proposed by the Minister<sup>2</sup>.

The proposed amendment to the Minister’s Proposition replicates the wording of paragraph (iii) of his proposed amendment while:

- i. excluding sites supporting visitor accommodation and daytime and evening economy use from its scope;
- ii. extending its scope to extensions of residential properties; and
- iii. importing a specific requirement that development applications in the Bay’s Shoreline Zone be accompanied by landscaping proposals.

(Restrictions are subject to minor changes allowed in any general development order issued by the Minister or the exercise by the Planning Committee of its statutory power to approve development that is inconsistent with the Island Plan<sup>3</sup>).

### Reason for amendments

1. If adopted in its current form, the extent to which paragraph (iii) of the Minister’s Proposition would protect or enhance views of the Bay within the context of Policy GD9 is unclear because:
  - a. in the appeal against the Planning Committee’s refusal of an application to development the former site of the Wayside restaurant in the Bay, the planning inspector determined the equivalent Shoreline Zone restriction in Paragraph 4 of Policy BE4 could be interpreted with enough flexibility for a new building to ‘absorb’ the footprint and volume of more than one building which could enable views and access to be changed; and
  - b. there is no clear planting strategy for the shoreline zone (see paragraph 5 of this Report).<sup>4</sup>

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<sup>1</sup> Page 193, Statement Response 51, Bridging Island Plan: Post-consultation report  
<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20Draft%20Bridging%20Island%20Plan%20-%20Post-consultation%20report%20-%20part%203.pdf>

<sup>2</sup> e.g., P.36/2021(85) [https://statesassembly.gov.je/assemblypropositions/2021/p.36-2021%20amd.\(85\).pdf](https://statesassembly.gov.je/assemblypropositions/2021/p.36-2021%20amd.(85).pdf)

<sup>3</sup> Article 19(3) Planning and Development (Jersey) Law 2002  
[https://www.jerseylaw.je/laws/current/Pages/22.550.aspx#\\_Toc83396360](https://www.jerseylaw.je/laws/current/Pages/22.550.aspx#_Toc83396360)

<sup>4</sup> page 224 Jersey Integrated Landscape and Seascape Assessment  
([https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Jersey%20Integrated%20Landscape%20and%20Seascape%20Character%20Assessment%20\(ILSCA\).pdf](https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Jersey%20Integrated%20Landscape%20and%20Seascape%20Character%20Assessment%20(ILSCA).pdf))

2. Conversely and as further explained below, without the exclusion of sites supporting visitor accommodation and daytime and evening economy use, the Minister's proposed amendment is likely to discourage maintenance and of improvement of such properties, reducing the attractiveness of Bay's tourist offering and potentially encouraging the sale of more sites for residential development, reducing the tourist offering even more.
3. The lack of distinction in the Minister's amendment between sites for visitor accommodation and daytime and evening economy use and those for residential use does not take into adequate consideration the published conclusions of public<sup>5</sup> and expert<sup>6</sup> consultations that were conducted as part of the draft Bridging Plan review. In particular, the recommendations in the [Employment Study](#) and the [St Brelade's Character Appraisal](#):
  - a. offer proactive interventions for the Bay in addition to any 'potential proactive interventions' that may be identified by the proposed local improvement plan (if it comes to fruition) that was also recommended by them; and
  - b. specifically exclude sites in visitor accommodation and daytime and evening economy use from recommendations to restrict development in the Bay to enable improvement, and avoid further deterioration of, its visitor offering.

Details of the reports of public consultation are included in paragraph 4. of this Report and details of relevant comments and policy recommendations in the consultants' reports are included in the Schedule to this Report.

4. Paragraph (iii) of the Minister's Proposition replicates policy wording in the current Island Plan (paragraph 4. of Policy BE4), which also fails to make a distinction between sites in employment use and sites in residential use, and which already has proved to be detrimental to the continuance and expansion of visitor amenities in the Bay.
5. It is a matter of public interest that the proposal of a local improvement plan for the Bay should not duplicate work or delay already-recommended policy changes unnecessarily, as this would frustrate its proposed objective: 'to enhance the bay and support its role a valued place for visitors and islanders alike'.<sup>7</sup>
6. There are inconsistencies in the Minister's response<sup>8</sup> towards the proposed amendments in the withdrawn Propositions in respect of his resistance to:

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<sup>5</sup> page 17, pages 65-66 and 67-68, Island Plan 2021 – 2030 Strategic issues and options consultation: findings report <https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/IP-findings%20report-digital%2011219.pdf>

St Brelade Report of Public Engagement November 2020

[https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20St\\_Brelade\\_character\\_study\\_engmt\\_phase\\_1\\_report\\_Nov2020.pdf](https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20St_Brelade_character_study_engmt_phase_1_report_Nov2020.pdf)

<sup>6</sup> Employment Study published by Arup December 2020

(<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20Employment%20Study%20Final%20Report%20Arup%20v1.pdf>) and St Brelade Character Appraisal published by Willie Miller Urban Design, Benton Scott-Simmons and Nick Wright Planning, April 2021

(<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20St%20Brelade%20Character%20Appraisal%20recommendations%20WMUD.pdf>)

<sup>7</sup> Proposal 17, draft Bridging Island Plan

<sup>8</sup> Statement Response 51, Bridging Island Plan: Post-consultation report (pages 185, 189, 192, 197)

- i distinguishing between sites in residential use and sites in visitor accommodation and daytime and evening economy use in the Bay's Shoreline Zone (the current Island Plan makes distinctions between sites in residential use and sites used for other purposes within its policies relating to Coastal National Park and Green Zone and applies different policies to employment land within built areas);
- ii directly incorporating policy recommendations in the St Brelade Character Appraisal to restrict residential development (building height recommendations in the St Helier Character Appraisal have been incorporated directly into the draft Bridging Plan<sup>9</sup>); and
- ii imposing a landscaping policy for the Bay's Shoreline Zone (the Minister is proposing to extend Green Backdrop designation to Ouaisné which, like the Bay's Shoreline Zone, is a built area within the same Jersey Integrated Landscape and Seascape Assessment identified coastal unit as the Bay).

The amendment in this Proposition has been put forward to:

- a. implement the consultants' recommendations in a more effective and timely way; and
- b. produce a location-specific policy that is more consistent with those recommendations and other restrictions imposed on sites in residential use in the current Island Plan,

to achieve an improvement in overall policy balance between economic, landscape, Island wide housing and other public interest considerations while avoiding unquantified and unnecessary economic harm.

## **Background matters**

### **1. Economic considerations**

The preamble to the section of the draft Bridging Island Plan headed 'St Brelade's Bay Improvement Plan' acknowledges the Bay to be 'an important part of Jersey's tourism offer'. A [submission by Visit Jersey in the public consultation](#) identified the Bay as a 'key asset.'<sup>10</sup>

The Report accompanying amendment ([P.36/2021\(85\)](#)) describes in more detail:

- i. the Bay's important role in the Island's connectivity, visitor economy and wider economy; and
- ii. the interdependency of the Bay's hotels and other businesses offering visitor amenities in producing a combined visitor offering.

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<sup>9</sup> Policy GD7 – Tall Buildings

<sup>10</sup>Response 215438377

[https://haveyoursay.gov.je/consult/islandplan/consultation/view\\_respondent?uuld=215438377](https://haveyoursay.gov.je/consult/islandplan/consultation/view_respondent?uuld=215438377)

## 2. Consultants' Recommendations

The St Brelade Character Appraisal's recommendations were published in the same month<sup>11</sup> as the draft Bridging Island Plan. This may explain why its recommendations for certain policy changes in addition to the proposed local improvement plan for the Bay were overlooked in the draft Bridging Island Plan.

The suggestion in in the Inspectors Report that the Minister's proposed amendment is 'reasonable... to provide some safeguards pending the production of the St Brelade's Bay Improvement Plan<sup>12</sup>, was not accompanied by an adequate risk assessment of the impact of the proposed amendment referencing the evidence provided to them<sup>13</sup> and the consultants' recommendations (which were not mentioned by the relevant part of their report). This may have been the result of unprecedented time and review constraints.

There is no satisfactory reason for not taking the consultants' policy recommendations into immediate account in addition to their recommendation to develop a local improvement plan for the Bay.

The Schedule to this Report sets out details of the consultants' recommendations regarding the regulation of development to support the future of the Bay's local visitor economy: these recommendations also respect reported public opinion regarding development of the Bay.

## 3. Planning history of paragraph 4 of Policy BE4

Two former Ministers for Planning and Environment have assured States Members of the robustness of policies designed to protect the Bay's landscape setting: at the time the current Island Plan was first approved by States Members in 2011 and when it was revised in 2014.

The current Minister for the Environment has noted the now 'obvious concern about the resilience and robustness of the policy provisions in the draft plan'<sup>14</sup>. However, the amendment in paragraph (iii) of the Minister's Proposition has already been tested and has an unfortunate planning history for the Bay's seafront. It is important lessons are learnt from this.

### 3.1. Link with 'plan 'for the Bay

The amendment reproduces paragraph 4 of Policy BE4 of the current Island Plan which, like the Minister's proposed amendment, was inserted on revision of planning policy (the revision of the Island Plan in 2014) at a late stage. In the case of the current restriction, it was similarly stated to be a 'temporary measure' (pending development of

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<sup>11</sup> April 2021

<sup>12</sup> Section 8.12, Page 72, Inspectors' Report

<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20Jersey%20Draft%20Bridging%20Island%20Plan%20EIP%20Inspectors%20Report%20to%20Minister%20for%20the%20Environment.pdf>

<sup>13</sup> E.g., Response 675162774 (St Brelade's Bay Association)

[https://haveyoursay.gov.je/consult/furtherrepresentations/consultation/view\\_respondent?&uuld=675162774](https://haveyoursay.gov.je/consult/furtherrepresentations/consultation/view_respondent?&uuld=675162774)

Response 215438377 (Visit Jersey)

[https://haveyoursay.gov.je/consult/islandplan/consultation/view\\_respondent?uuld=215438377](https://haveyoursay.gov.je/consult/islandplan/consultation/view_respondent?uuld=215438377)

<sup>14</sup> Statement Response SR51, Draft Bridging Island Plan Post-Consultation Report, page 193

a local improvement plan for the Bay<sup>15</sup> – the subject of Proposal 16 of the Revised 2011 Island Plan).

The inspectors' report in the 2014 Island Plan review recommended the proposal for a local development plan for the Bay be proceeded with 'as a matter of some urgency', having been informed it 'could be completed within about twelve months'<sup>16</sup> by government's policy makers. However, the proposed development plan has never come to fruition.

The former Minister for the Environment reason stated political priorities regarding the use of resources as the reason for the delay<sup>17</sup>. Likewise, the current Minister for the Environment has stated in the Report accompanying his Proposition that the proposed improvement plan for the Bay would provide 'more detail...in due course as resources allow'<sup>18</sup>. The proposal in Proposition [P.36/2021 Amd.19](#) to insert a target date of December 2023 for development of the proposed improvement plan for the Bay will remain part of the proposal (Proposal 17), the implementation of which will remain subject to the political priorities of whoever assumes the role of Minister for the Environment after the public elections later this year.

### **3.2 Impact of restriction**

Meanwhile, the restriction limits the ability to improve and expand visitor amenity premises, which often is required to help finance such development. This, along with a common practice of site owners neglecting visitor amenity premises, deters market interest in the site for continued employment use (recharacterised in the Bridging Island Plan as visitor accommodation or daytime and evening economy use), increasing the possibility of the site becoming available for residential development, thereby reducing the quality of the Bay's visitor offering even more.

The approval on appeal in 2018 of a planning application to develop the former Wayside restaurant demonstrated the restriction's impact. Potentially interested developers (including owners of its neighbouring hotel) could not develop the site profitably without resorting to developing a substantial part of it for housing development (to help justify public interest the successful developer gifted a strip of land to the public for a footpath that will need to be maintained by government). The inflated purchase price for the site deterred those who were uninterested in developing the site for residential purposes. The approval of the successful development application by the former Minister for the Environment in 2018 justified the inflated purchase price.

This was because the approval extended to the construction of two five-bedroomed detached houses with a sea view and separate staff accommodation on land formerly occupied by the former restaurant's parking facilities, a tennis court hired out by the L'Horizon hotel and a small craft cabin that offered a children's entertainment facility.

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<sup>15</sup> Proposal 17 of the draft Bridging Island Plan

<sup>16</sup> Report to the Minister for Planning and the Environment. Further Examination in Public July 2014 (page 8).  
<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/IPRI%20-%20EIP%20further%20report%2011.07.2014.pdf>

<sup>17</sup> Paragraph 1.3.2 (pages 47-49) of Hansard record of States Assembly debate 28<sup>th</sup> September 2016

<sup>18</sup> Page 193, Statement Response 51, Bridging Island Plan: Post-consultation report  
<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20Draft%20Bridging%20Island%20Plan%20-%20Post-consultation%20report%20-%20part%203.pdf>



With respect to public enjoyment of one of these lost amenities, the UK independent planning inspector tasked with interpreting the Revised 2011 Island Plan on appeal wrote, ‘From the representations I have seen, it is a business clearly appreciated by a number of customers who would mourn its loss, but I consider it would be unreasonable to frustrate the Island Plan’s strategic approach to development in the Built-up Area by reference to it.’

The strategic approach to development in the Bay’s Shoreline Zone can be changed to support the Bay’s offering to its visitors better if the States Assembly approves this Proposition.

#### 4. Reported Public opinion

There are additional concerns that, without the amendment proposed by this Proposition, the review process could be perceived as lacking transparency and failing to give due consideration to public opinion. This is because:

- i. The Island Plan 2021 – 2030 Strategic issues and options consultation: findings report<sup>1920</sup> found that, with respect to spatial options for housing and hotel development and protection of employment land and buildings Island wide, a public consultation favoured housing development being centred in St Helier and its immediate environs: the Bridging Island Plan has shown no general reversal of policy for built areas of St Brelade’s Bay; and
- ii. The St Brelade character appraisal public engagement report<sup>21</sup> found:
  - I. an ‘overwhelming’ concern that the Bay ‘should be for the local community and visitors, not an elite or exclusive residential domain for the ultra-rich as it is increasingly becoming’;
  - II. 71% of respondents supported the view that, with respect to luxury houses, there are ‘Too many, too big, too boxy and unsympathetic to existing architecture and landscape – especially on the beachfront (replacing cafes, removing greenery, blocking views), also at Beauport headland and the escarpment skyline’;
  - III. 64% of respondents sought the beachfront to be a place for everyone to enjoy, 58% sought stricter management of new development including luxury homes (particularly on the beachfront); and
  - IV. ‘35% of respondents expressed concern at replacement of beachfront cafes and businesses by housing in particular – e.g. the Wayside’;

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<sup>19</sup> <https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/IP-findings%20report-digital%20111219.pdf>

Response 682036218 (The National Trust for Jersey): “A plan for the area should include consideration of the need to maintain appropriate tourist/beachfront facilities such as shops, cafés, refreshment kiosks etc to support tourism and which are being threatened by more lucrative proposals to convert or redevelop to residential use.”

[https://haveyoursay.gov.je/consult/islandplan/consultation/view\\_respondent?uuld=682036218](https://haveyoursay.gov.je/consult/islandplan/consultation/view_respondent?uuld=682036218)

<sup>20</sup> page 17, pages 65-66 and 67-68, Island Plan 2021 – 2030 Strategic issues and options consultation: findings report <https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/IP-findings%20report-digital%20111219.pdf>

<sup>21</sup> St Brelade Report of Public Engagement November 2020

[https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20St\\_Brelade\\_character\\_study\\_engmt\\_phase\\_1\\_report\\_Nov2020.pdf](https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20St_Brelade_character_study_engmt_phase_1_report_Nov2020.pdf)

It also is conceivable the proposed improvement plan for the Bay<sup>22</sup> could recommend future acquisition by the government of sites in the Bay's Shoreline to provide the public with further facilities. If the Minister's amendment is adopted in its current form, the Island's public may question why States Members are tying government's own hands and those of future developers of visitor facilities in the Bay, if not as a short-sighted move to curtail tourism development in the Bay in favour of housing those who can afford an expensive seafront location in one of the UK's most highly rated beaches.

## **5. Landscape planning history**

The Minister indicated in his Post-Consultation that certain untested amendments to the Green Backdrop Zone, and the future application of the guidance in the Jersey Integrated Landscape and Seascape Assessment, will counter the potential impact of the built area designation in the Bay. However, as with the built area of Ouaisné, there is both a lack of landscape policy and a lack of guidance in the Jersey Integrated Landscape and Seascape Assessment for the Bay's Shoreline Zone.

Although the 1989 Environmental Improvement Plan for the Bay (the 'spirit' of which paragraph 4.86 of the current Island Plan states to remain relevant) contained landscaping guidance for the Bay's seafront, including in the Bay's Shoreline Zone, this guidance was not applied in the case of the approval of the Wayside development application.

This enabled trees, that had been planted and preserved in accordance with 1989 Plan, to be removed to create dune land for the purposes of a lizard sanctuary (in areas that provide owners of new accommodation units with privileged sea views). This contravened the planting strategy of the 1989 Plan which created the Bay's green backdrop zone that the Green Backdrop Zone Policy aims to protect. The 1989 Plan specifically sought not to give the Bay the 'rather bleak' appearance of rugged and relatively treeless dune land, despite its characterisation as dune land in the 1999 Countryside Character Appraisal<sup>23</sup>.

The complexity of proposing a new planning zone for the Bay's Shoreline Zone to ensure landscaping integration is accepted. Unlike the built area in Ouaisné, the Bay has an added complication of being in Shoreline Zone. The Minister's Proposition includes the introduction of a location-specific policy for the Bay's Shoreline Zone, within Policy GD9 and the proposed amendment includes a simple landscaping policy requirement for development in the Bay's Shoreline Zone, that can be expanded upon in the local improvement plan for the Bay, should it come to fruition. In this way, the amendment proposed in this Proposition serves Policy GD9's objectives of protecting and enhancing strategic views, while achieving consistency with the built area in Ouaisné.

## **Financial and manpower implications**

There are no financial or manpower implications in relation to the proposed amendments.

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<sup>22</sup> Proposal 17 of the draft Bridging Island Plan

<sup>23</sup> Page 216 1999 Countryside Character Appraisal

<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20CountrysideAppraisalMarineIntertidalZone%2020091007%20SH.pdf>

### **Child Rights Impact Assessment implications**

These amendments have been assessed in relation to the [Bridging Island Plan CRIA](#). Improved well-being of children will arise from improved public access to, and improved facilities that allow general visitor enjoyment of, a popular public beach and recreation area.

## SCHEDULE

### Comments and recommendations from the consultants' reports

#### 1. Economy Study

In its review of the visitor economy Island wide, the Economy Study:

- states 'hotels are likely to require larger sites and may need close proximity to local amenities or to particular outlooks such as sea views, particularly for leisure visits'<sup>24</sup>;
- states 'accommodation could be an area to invest and expand to maintain and improve strong visitor perceptions'<sup>25</sup>; and
- refers to indications that 'the hospitality sector is performing strongly, and that prior to Covid-19 hospitality businesses may have been looking to expand'<sup>26</sup>; and
- states 'It is therefore not considered appropriate to have an overarching policy [regarding employment land use]. Instead, more tailored protection should be provided through land use-specific policies'<sup>27</sup>

It recommends:

'Greater clarity and support for the development of evening economy uses in areas they would likely be more appropriate'<sup>28</sup>.

#### 2. St Brelade Character Appraisal

In its review of the St Brelade's Bay area, the baseline report for the Character Appraisal:

- notes an interruption of the Bay's relatively complementary architectural style in the last 10 to 15 years by some 'prominent starkly modernist buildings' introduced in 'pronounced contrast to the wider scene in terms of scale, massing, fenestration and approach to detailing.' The examples to which it refers are all residential developments (or mainly residential development in the case of the approved Wayside café development). Contemporary developments noted as 'by contrast very discreet' are all premises catering for visitors;<sup>29</sup>

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<sup>24</sup> Page 55, Arup Economy Study, December 2020

<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20Employment%20Study%20Final%20Report%20Arup%20v1.pdf>

<sup>25</sup> Page 29, Employment Study

<sup>26</sup> Page 14, Economy Study

<sup>27</sup> Economy Study (page 96)

<sup>28</sup> Employment Study (Arup, December 2020) page 98

<sup>29</sup> (Page 35) St Brelade Character Appraisal baseline report, December 2020

<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20St%20Brelade%20Character%20Appraisal%20baseline%20report%20WMUD.pdf>

- states that:
  - “the ratio of built to unbuilt is delicately balanced at present, and this is an important consideration if the valued rugged coastal character of the Bay is to be retained. Consequently, protecting open spaces, wooden areas and parks and private gardens, as well as promoting more planting common natural boundary treatments and less intrusive outdoor lighting will be an essential part of retaining the natural character of the Bay. The more that manmade features replace or conceal the natural features of the Bay, the less distinct, remote and unique the Bay will feel”;
  - “development that is on the beach front or on the skyline is more dominant than building seen against a backdrop of vegetation or rising ground or, indeed, if it is set behind other development. This means that the parts of the Bay that are most sensitive to new development are the ones that are most prominent in views – the beach frontage and the scarp edge”;
  - “it is also worth noting that buildings on the beach frontage can also break the skyline when seen for short and from below on the beach. This reinforces the need for particular sensitivity when making changes along the beach front, and the importance of using a holistic and contextual design approach; and
  - “there is a distinct contrast between the built-up waterfront at St Brelade’s Bay and the undeveloped land along the edge of Ouaisné.”

The St Brelade’s Bay Character Appraisal recommends<sup>30</sup>:

- a presumption against loss of land from employment use be created but that an ‘additional policy be created specifically for the Bay to prevent loss of tourist-related activity in the widest sense, including accommodation, cafes, restaurants, shops, beach concessions, water sports activities and other enterprises. This could relate to restricting changes of use away from these uses where they currently exist.’<sup>31</sup>
- (with respect to the Bay’s Shoreline Zone and certain areas with existing landscape protection) “replacement homes should not exceed the footprint or height of the existing homes that they would replace<sup>32</sup>.”

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<sup>30</sup> Page 8, St Brelade Character Appraisal recommendations April 2021  
<https://www.gov.je/SiteCollectionDocuments/Planning%20and%20building/R%20St%20Brelade%20Character%20Appraisal%20recommendations%20WMUD.pdf>

<sup>31</sup> Recommendation 3.5 (page 8) of St Brelade Character Appraisal Recommendations

<sup>32</sup> Recommendation 3.6 (page 8) of St Brelade Character Appraisal Recommendations