

STATES OF JERSEY



ISLAND PLAN 2022-25: APPROVAL (P.36/2021) – NINETENTH AMENDMENT (P.36/2021 AMD.(19)) – SECOND AMENDMENT

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

STATES GREFFE

ISLAND PLAN 2022-25: APPROVAL (P.36/2021): NINETEENTH AMENDMENT
(P.36/2021 AMD.(19)) – AMENDMENT

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After the words “by December 2023” insert the words “which shall include such content of the 1968 Proposition ‘Development in St. Brelade’s Bay area’ (P.15/1968) and the 1989 St. Brelade’s Bay Environmental Improvement Plan as is considered as remaining relevant in the context of the Jersey Integrated Landscape and Seascape Assessment and this Proposal”.

CONNÉTABLE M. JACKSON OF ST. BRÉLADE

Note: After this amendment, amendment nineteen would read as follows –

After the words “the draft Island Plan 2022-25” insert the words “except that within Proposal 17 (St. Brelade’s Bay Improvement Plan) after the words “improvement plan for St. Brelade’s Bay” there should be inserted the words “by December 2023 which shall include such content of the 1968 Proposition ‘Development in St. Brelade’s Bay area’ (P.15/1968) and the 1989 St. Brelade’s Bay Environmental Improvement Plan as is considered as remaining relevant in the context of the Jersey Integrated Landscape and Seascape Assessment and this Proposal.””.

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 within Proposal 17 (St. Brelade’s Bay Improvement Plan) after the words “improvement plan for St. Brelade’s Bay” there should be inserted the words “by December 2023 which shall include such content of the 1968 Proposition ‘Development in St. Brelade’s Bay area’ (P.15/1968) and the 1989 St. Brelade’s Bay Environmental Improvement Plan as is considered as remaining relevant in the context of the Jersey Integrated Landscape and Seascape Assessment and this Proposal.”.

REPORT

This amendment gives effect to a previous decision of the States Assembly¹ that referred to a former States Assembly decision (the '1968 Proposition') and a former improvement plan for the St. Brelade's Bay (the 'Bay') produced at the public's expense through collaboration between representatives of government, the States Assembly, and residents after the Great Storm in 1987. The 1968 Proposition and the former improvement plan (the '1989 Plan') included guidance on landscape and on building siting and design, which operated to improve the appearance of the Bay. Paragraph 4.86 of the current Island Plan states that "it is important that the spirit of the 1968 Proposition 'Development in St. Brelade's Bay Area (P.16/1968)' and the 1989 St. Brelade's Bay Environmental Improvement Plan, continue to be addressed by this and subsequent Island Plans where they remain relevant today."

History of application of Proposition P.48/2011 Introductory wording in the current Island Plan indicates the content of the 1968 Proposition and the 1989 Plan are superseded by the current Island Plan itself. Certain decisions in the 1968 Proposition might be regarded as superseded by a subsequent policy decision to introduce more built development in the Bay. However, no equivalent guidance to that contained in the 1989 Plan, at least, was produced by government to support subsequent Island Plans.

This has led to a vision for the Bay's landscaping and the integration of new development being reversed more than was necessary. This has been to the detriment of the Bay's scenic beauty, including its 'green backdrop' in the form of the planted by the Bay's small community and a former government of the Island to implement the vision of the 1989 Plan.

The Jersey Integrated Landscape and Seascape Assessment ("JILSA") that was published as part of the current Bridging Island Plan review contains landscaping principles for the Bay and other coastal areas. Although it has re-introduced some advice that was contained in the 1989 Plan, the JILSA is not as comprehensive in its detail (for example, having no specific guidance on areas such as the Bay's seafront).

There has been some confusion and resistance amongst government planning officers regarding the application of paragraph 4.86, despite the Royal Court having considered the contents of the 1968 Proposition and the 1989 Plan in a 2013 judgment² regarding the former site of the Zanzibar restaurant in the Bay.

Government officers have continued to advise the 1968 Proposition and 1989 Plan were either absorbed into, or overridden, by the Island Plan or that paragraph 4.86 is meaningless.

There remains a concern that some useful recommendations or content in the two documents regarding 'potential proactive interventions to enhance the bay and support its role as a valued place for visitors and islanders alike' therefore remain overlooked when they could serve to avoid 'reinventing the wheel' at the time Proposal 17 is implemented.

¹ Proposition P.48/2011 <https://statesassembly.gov.je/assemblypropositions/2011/30976-9889-2142011.pdf>

² Ferguson v Minister of Planning and the Environment [2013]

The amendment seeks to ensure a States Assembly decision incorporated into the current Island Plan is implemented in a more satisfactory way and in a manner that will recognise the work that was carried out by late and former States Members, members of the Bay's community and former government officers.

Financial and manpower implications

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

Child Rights Impact Assessment implications

This amendment has been assessed in relation to the [Bridging Island Plan CRIA](#). Improved wellbeing of children will arise from improved public enjoyment of a public beach and recreation area