



**Intelligent Plans**  
and examinations

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# **Report on the Jersey Draft Bridging Island Plan**

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## **An Examination in Public undertaken for the Minister for the Environment**

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Date of Report: 25 January 2022

## **R.16/2022**

25 January 2022

Deputy John Young  
Minister for the Environment  
States of Jersey

Dear Deputy Young

## **INSPECTORS' REPORT: DRAFT BRIDGING ISLAND PLAN**

Following the conclusion of the Examination in Public hearing sessions in early December last year, I am pleased to submit our report on the Draft Bridging Island Plan.

The unusual circumstances that necessitated the production of a short term 'bridging' plan, coupled with the contemporaneous engagement of the public and Members of the States Assembly has from a professional point of view made this a most interesting Examination in Public. Bearing in mind the timing considerations around our deliberations and that this is a 3 year Plan, we believe we have taken a proportionate approach.

The representations from the public and the States Member amendments were highly informative and helpful to us. Similarly, the preparedness of all those who attended the Examination in Public hearing sessions is to be commended. We are also most grateful for the way in which participants co-operated with the inquisitorial approach we adopted and conducted themselves throughout the proceedings.

These comments equally apply to your representatives, who were extremely well versed on the relevant issues relating to the Draft Bridging Island Plan. It is evident that a huge amount of work has gone into producing the documentation to support the Plan, most notably the detailed extent and coverage of your Post-consultation report. We would also like to thank the independent Programme Officer provided by the Minister, Helen Wilson, for her invaluable support leading up to and at the hearing sessions. Particularly helpful was her perceptive and courteous care of participants at the hearing sessions.

In arriving at our recommendations, there has inevitably been a difficult balance to be struck in addressing competing points of view in the context of exercising sound planning judgement. However, regardless of the conclusions we have arrived at, we appreciate the thought and time all have invested in engaging in the process.

Finally, we would hope that the formal opportunity that has been provided for the earlier engagement of States Members will allow you to progress the Plan through the next stages expeditiously, leading to adoption.

Yours sincerely

*Keith Holland*

Keith Holland, Lead Inspector

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## Main Abbreviations

<b>CNP</b>	Coastal National Park
<b>DBIP/the Plan</b>	Draft Bridging Island Plan
<b>EIA</b>	Environmental Impact Assessment
<b>EiP</b>	Examination in Public
<b>Gateway</b>	Jersey Affordable Housing Gateway
<b>GVA</b>	Gross Value Added
<b>ILSCA</b>	Jersey Integrated Landscape and Seascape Assessment
<b>IPRPS</b>	Island Plan Review Preferred Strategy
<b>JFU</b>	Jersey Farmers Union
<b>the Law</b>	Planning and Building (Jersey) Law 2002
<b>MA</b>	Prefix for States Member amendments (as set out in PCR5)
<b>the Minister</b>	Minister for the Environment
<b>MSP</b>	Marine Spatial Plan
<b>OAHN</b>	Objective Assessment of Housing Need
<b>OLASCA</b>	Outstanding Landscape and Seascape Character Area
<b>the Order</b>	The Planning and Building (Covid-19 Bridging Island Plan) (Jersey) Order 2021
<b>PCR1&amp;2</b>	Draft Bridging Island Plan: Post-consultation report Part 1 and 2: Introduction and consultation summary
<b>PCR3</b>	Draft Bridging Island Plan: Post-consultation report Part 3 Minister's statement responses
<b>PCR4</b>	Draft Bridging Island Plan: Post-consultation report Part 4 Summary of consultation responses
<b>PCR5</b>	Draft Bridging Island Plan: Post-consultation report Part 5 Summary of States Member amendments
<b>PCR6</b>	Draft Bridging Island Plan: Post-consultation report Part 6 Minister's proposed modifications schedule

<b>PIS</b>	Protected Industrial Site
<b>the Regulations</b>	Covid-19 (Island Plan)(Jersey) Regulations 2021
<b>SPG</b>	Supplementary Planning Guidance
<b>SR</b>	Prefix for Statement Responses (as set out in PCR3)
<b>STP</b>	Sustainable Transport Policy

## Summary of Conclusions

The examination has been undertaken in accordance with the 'Terms of Reference'<sup>1</sup> for the examination prescribed by the Minister, which includes a framework against which we have based our assessment of the adequacy of the Draft Bridging Island Plan (DBIP/the Plan).

In the context of the Jersey planning legislation and the limitations that apply to a land use plan, the Plan strikes a reasonable balance between social, economic and environmental considerations.

The evidence base for the Plan is comprehensive and generally provides convincing support for the policies and proposals in the Plan.

The broad strategy on which the Plan is based takes adequate account of sustainability considerations.

Overall deliverability has been taken into account to an acceptable extent.

Overall the Plan is consistent with the Government's wider strategic objectives and decisions taken by the States Assembly.

There are a number of 'Recommendations' made that should be considered before the Plan is presented to the States Assembly for consideration. For ease of reference these Recommendations (60) are listed in **Appendix 1** to this report.

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<sup>1</sup> The full Terms of Reference may be viewed here: [Planning inspectors appointed for the Island Plan Review \(gov.je\)](https://www.gov.je/planning-inspectors-appointed-for-the-island-plan-review)



## Section 1: Introduction

1.1 Intelligent Plans and Examinations Ltd (IPE) has been commissioned to examine the Jersey Draft Bridging Island Plan by Jersey's Minister for the Environment (the Minister). We, the Inspectors, were appointed by the Minister in April 2021.<sup>2</sup> Helen Wilson BA (Hons), of Helen Wilson Consultancy Ltd, was appointed as the Programme Officer to provide independent administrative support.

### Scope of the Examination

1.2 The examination has been undertaken in accordance with the Terms of Reference for the examination prescribed by the Minister. The Terms of Reference include a framework for assessing the adequacy of the DBIP on the following basis:

- Does the Plan, overall, meet the purposes contained within the Planning and Building (Jersey) Law 2002<sup>3</sup> (the Law), and in particular does it provide for the orderly, comprehensive and sustainable development of the land which best meets the needs of the community without undue harm to the natural environment?
- Is the Plan, overall, based on proportionate evidence and an assessment of development needs?
- Does the Plan, overall, adopt an appropriate strategy for sustainable development, having regards to a range of plausible scenarios?
- Is the Plan capable of delivery?
- Is the Plan, overall, otherwise consistent with the Government of Jersey's wider strategic objectives and the decisions of the States Assembly?

1.3 To accommodate the development of a shorter-term plan, the States Assembly has made the Covid-19 (Island Plan)(Jersey) Regulations 2021<sup>4</sup> (the Regulations). These make temporary changes to the Law in relation to the process for lodging, examining and the States Assembly debating of the DBIP. The Planning and Building (Covid-19 Bridging Island Plan) (Jersey) Order 2021<sup>5</sup> (the Order) makes further provisions relating to public consultation, the appointment of planning inspectors, examination of the DBIP, and the final amendment procedures for States Members.

### Consultation

1.4 In accordance with the statutory requirements, the DBIP was lodged with the States Assembly as a Proposition on 19 April 2021 and a twelve-week public consultation period began on 19 April 2021. Notification was by means of the printed and broadcast media, social media and the Government of Jersey

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<sup>2</sup> [Planning inspectors appointed for Island Plan \(gov.je\)](https://www.gov.je)

<sup>3</sup> [Planning and Building \(Jersey\) Law 2002 \(jerseylaw.je\)](https://www.jerseylaw.je)

<sup>4</sup> [Covid-19 \(Island Plan\) \(Jersey\) Regulations 2021 \(jerseylaw.je\)](https://www.jerseylaw.je)

<sup>5</sup> <https://www.jerseylaw.je/laws/enacted/Pages/RO-036-2021.aspx>

website.<sup>6</sup> During this period members of the public were able to submit representations and States Members were able to propose amendments, and amendments to amendments, to the draft Plan and to make representations in the same manner as members of the public. During the consultation period hard and electronic copies of the Plan, the Proposals Maps and the evidence base were made available at the each of the 12 parish halls, the Jersey Public Library and at the States Information Centre.

1.5 Further engagement activities during this period included:

- In the first six weeks of the consultation, the Government's Island Plan Review Team hosted a series of webinars focussing on the key chapters in the DBIP. Recordings of each webinar session were posted online;
- Members of the Island Plan Review Team held planning surgeries to discuss individual issues;
- A roadshow hosted by members of the Island Plan Review Team was taken to every parish. These events were advertised in the local press, on local radio and on the Government of Jersey website;
- In collaboration with the Jersey Youth Service and Jersey Youth Parliament, a targeted session explaining the objectives of the Plan and its evidence base was held;
- Secondary schools were offered a personalised session; and
- A "pop-up" event was held in Broad Street, St Helier.

1.6 In total, 705 responses to the consultation were received.<sup>7</sup> Under the terms of the Order, representations were received from both the public and from States Members representing a sound level of engagement.

1.7 There has been some critical comment about the consultation carried out. In light of the very extensive consultation efforts made by the Minister, as outlined above, these criticisms are, in our view, wholly without foundation.

## Minister's Responses

1.8 Following the 12-week consultation, the Minister published the 'Draft Bridging Island Plan: Post-consultation report'<sup>8</sup> on 1 September 2021, which comprises 6 Parts:

- Part 1 and 2 Introduction and consultation summary (PCR1&2);
- Part 3 Minister's statement responses (PCR3)<sup>9</sup>;
- Part 4 Summary of consultation responses (PCR4);
- Part 5 Summary of States Member amendments (PCR5)<sup>10</sup>; and

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<sup>6</sup> [Draft Island Plan consultation \(gov.je\)](https://www.gov.je)

<sup>7</sup> [Published responses for Draft bridging Island Plan consultation - Government of Jersey - Citizen Space](#)

<sup>8</sup> [Draft Bridging Island Plan: Post-consultation report \(gov.je\)](https://www.gov.je). A Post-consultation report Corrigendum was further published in October 2021.

<sup>9</sup> The statement responses numbered 1-67 are referred to in our report, where appropriate, by the prefix **SR** used in PCR3 followed by the relevant number.

<sup>10</sup> The States Member amendments numbered 1-60 are all referenced in our report by the prefix **MA**, followed by the relevant number.

- Part 6 Minister’s proposed modifications schedule (PCR6).

1.9 This is by any measure a thorough and comprehensive document, which includes responses to all public comments received, and all States Member amendments.

1.10 Whilst our role is to examine the DBIP in its entirety, the Minister in PCR1&2 highlighted several matters (pages 17- 19) that might warrant further examination:

- Spatial strategy;
- Housing supply;
- Allocated housing sites;
- Housing policy framework;
- Supply of minerals;
- Coastal National Park;
- Marine Park and marine biodiversity;
- Managing emissions;
- Economic development;
- Our Hospital; and
- St Brelade’s Bay.

## **Examination in Public (EiP)**

### **Draft List**

1.11 Following our initial consideration, a ‘Draft List’ of topics and participants for the hearing sessions was published on 22 September 2021 on the examination website<sup>11</sup>, requesting comments by 5 October 2021. An Inspectors’ Guidance Note was also published (and updated during the course of the examination) along with a briefing note on participation at the hearing sessions.

### **EiP Programme and Further Representations**

1.12 Following the receipt of comments on the Draft List, a draft EiP Programme for the hearing sessions was published on 11 October 2021, and subsequently updated on 18 October to accommodate a request from the Minister to revise the proposed hearing dates to take account of the States Assembly sitting.

1.13 On the same date, in accordance with Article 10 of the Order, the Inspectors issued an invitation for further representations to be made.<sup>12</sup> As part of this process, representations were invited on several new matters of significance that had emerged, with particular reference to:

- i. The alternative sites for affordable housing suggested by SR26 (page 79) of PCR3, listed in Appendix 2 to the EiP Programme.

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<sup>11</sup> The Inspectors’ documentation published leading up to the EiP can be viewed on the dedicated EiP website: [Information about the draft Bridging Island Plan Examination in Public \(EiP\) \(gov.je\)](https://www.gov.je/information-about-the-draft-bridging-island-plan-examination-in-public-eip)

<sup>12</sup> [Draft Bridging Island Plan Examination in Public \(EiP\): Inspectors’ Invitation to submit Further Representations \(gov.je\)](https://www.gov.je/draft-bridging-island-plan-examination-in-public-eip-inspectors-invitation-to-submit-further-representations)

- ii. The alternative policy options posed by the Minister for further consideration, including those further changes which the Minister is minded to make, as set out in PCR3.
- iii. The sites suggested for allocation in the initial representations received to the DBIP consultation (non-allocated sites), set out in the list at Appendix 3 of the EiP Programme.
- iv. The modifications described as substantive in PCR6.
- v. The changes suggested by States Members amendments that the Minister is minded to accept in PCR5.

1.14 A total of 294 further representations were received by the closing date of 22 October 2021.

1.15 The greater proportion of these representations were made by local residents, who raised site-specific concerns regarding the alternative sites listed within PCR3 at SR26. We take account of these representations in our detailed consideration of the sites which is set out at paragraphs 3.38 - 3.69 of this report.

1.16 A significant number of representations raised objections regarding proposed amendments to Policy EV1 – Visitor accommodation, and the implications for the tourism sector, as set out within PCR3 at SR59 and SR59a. We address this issue at paragraphs 7.11 - 7.14 of the report.

1.17 Alongside the representations made to the various alternative sites listed within SR26, a number of respondents put forward additional sites at locations across the island which, in their assessment, represented more preferable locations for affordable housing developments. Whilst a number of these sites had been put forward during earlier consultative stages in the preparation of the DBIP, certain sites had not been previously considered for such development. Where that is the case, we have considered such sites in our assessment of omission and other sites, which is set out at paragraphs 3.76 - 3.79 and at **Appendix 2** of the report.

1.18 A further group of representations made detailed objections to specific matters raised in other SR-series documents contained in PCR3. These covered a wide range of issues, including development at St. Brelade’s Bay, mineral extraction at La Gigoulande Quarry and Simon Sand and Gravel quarry and the designation of further sites for employment related developments. We have taken account of all such representations in our assessment of the various issues.

1.19 Following the further representations consultation, a Final EiP Hearings Programme<sup>13</sup> was published on 4 November 2021, alongside all the validly made further representations received.<sup>14</sup>

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<sup>13</sup> View the Final EiP Hearings Programme here: [C Jersey Hearings and Participants Programme 041121.pdf \(gov.je\)](#)

<sup>14</sup> [Published responses for Draft Bridging Island Plan consultation: Further representations - Government of Jersey - Citizen Space](#)

1.20 Thematic hearing sessions with selected participants were undertaken over two weeks commencing Monday 15 November. The Minister for the Environment opened the proceedings. The hearings were held at The Members' Room, Société Jersiaise, 7 Pier Road, St. Helier, Jersey and streamed online.<sup>15</sup> Several participants also attended virtually. The hearings concluded on 2 December 2021, with a plenary session in accordance with the requirements of the Order.

1.21 During the EiP Hearing sessions, at our request, the Minister issued further information regarding housing supply calculations in the 'Assessment of Housing Supply Methodology' report (November 2021)<sup>16</sup>, detailing how the Island Plan Review Team calculated the housing supply figures (DBIP, page 186). Comments were invited on the report by 5 December 2021.

1.22 Following the hearing sessions, further clarification was also provided by the Island Plan Review Team by way of the 'Development affecting visitor accommodation' note (7 December 2021).<sup>17</sup>

## Site Visits

1.23 Unaccompanied site visits were carried out between 12 – 15 July 2021 and 3 – 6 October 2021, as well as on several occasions during the hearing sessions. Accompanied site visits were undertaken to La Gigoulande Quarry and to the Simon Sand and Gravel site. A visit to the area in the vicinity of La Gigoulande site was also undertaken at a time when blasting took place at the quarry.

## Reporting

### Form of this Report

1.24 It will be noted that the testing requirements are for an overall view of the Plan's adequacy. Accordingly, this report focusses on the main issues identified based on all the representations (initial and further), the Minister's Post-consultation report (including the matters highlighted in paragraph 1.10 above), our consideration of the Plan and the supporting evidence base.<sup>18</sup>

1.25 There is no requirement or attempt to deal with each and every representation on an individual basis although all representations have been read and taken into account. The exception to this are the States Member amendments which we are required to report on individually. The Minister has provided a comprehensive response to the representations and we have taken this response into account in preparing this report to the Minister. Where this report does not deal with a specific representation it can be assumed that we agree with any response provided by the Minister.

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<sup>15</sup> All the hearing session were recorded and can be viewed here: [Watch the draft Bridging Island Plan Examination in Public \(gov.je\)](#)

<sup>16</sup> [Strategic Housing \(gov.je\)](#)

<sup>17</sup> [C Note - Development affecting visitor accommodation.pdf \(gov.je\)](#)

<sup>18</sup> [Information about the draft Bridging Island Plan Examination in Public \(EiP\) \(gov.je\)](#)

## Section 2: Strategic Matters

### Strategic Proposals

2.1 The DBIP is unusual as it is designed to be a short-term plan with a plan period of three years 2022 – 2025. The justification for this approach is the uncertainty arising from the consequences, particularly for the island's economy, of Britain's decision to leave the European Union (Brexit) and the Covid-19 pandemic. Both Brexit and the pandemic are very unusual events and it is reasonable for the Government to respond with an unusual approach to plan making rather than following the traditional ten-year plan approach. The justifiable aim of the DBIP is to put in place policies that address urgent short-term planning issues and to provide a foundation for the next ten-year plan that is intended to run from 2025.

2.2 There have been a number of objections to the preparation of the DBIP largely on the grounds that it is not sensible to prepare a plan in the absence of an adopted strategic policy for population growth. This issue is acknowledged by the Government. The Minister notes that this is a longstanding problem and an issue that has been very difficult to resolve (SR01). Clearly it would be ideal if Jersey did have an adopted strategic population policy in place but the absence of such a policy does not mean that current planning issues, such as meeting local housing needs, should not be addressed. The strategic proposals in the DBIP acknowledge the work that needs to be done before a longer-term plan can be prepared. Hence Strategic Proposal 1 – Development of a long-term planning assumption, refers to the need for long-term planning assumptions that take into account strategic considerations such as migration control and an economic programme for Jersey. As is pointed out in the DBIP, the Government is currently working on the development of a new population policy but, even if this is adopted in the near future, it will not take effect for some time and hence the need for short-term assumptions to inform the DBIP.

2.3 Aside from the need to address current planning issues, there is a legal requirement for the Minister to present a new Island Plan to the States Assembly within 10 years of the adoption of the previous plan. In this case there was therefore a requirement for the Minister to present a new Island Plan to the Assembly before 29 June 2021. This legal requirement was fulfilled.

2.4 Many of the representations that refer to the need for a population policy are clearly seeking to restrict population growth in Jersey. Many point out that previous plans were based on a much lower level of growth than that which actually occurred and they press for a more effective and restrictive approach. However, issues of population control and migration limits go beyond what is within the scope of the DBIP. It is concluded that Strategic Proposal 1 to develop a long-term planning assumption taking into account wide ranging matters, such as migration control, is sensible at this time and that the DBIP is reasonably based on short term planning assumptions.

2.5 The Connétable of St Brelade (MA55) is seeking to have reference made to a St Brelade's Bay Improvement Plan in Strategic Proposal 1. Reference to a locality specific plan would not be appropriate in a general proposal about long-term planning assumptions. The same applies to the request to include the Improvement Plan in Strategic Policy SP1 – Responding to climate change.

2.6 In relation to Strategic Proposal 2 – Understanding the long-term requirements of Jersey's energy market, there is no material challenge to the need for a better understanding of the long-term energy requirements of Jersey and that this understanding will need the involvement of a range of stakeholders.

2.7 Strategic Proposal 3 – Creating a marine spatial plan for Jersey, is dealt with below in Section 4: Natural Environment.

2.8 Strategic Proposal 4 – A west of island planning framework, states that a west of island planning framework will be developed as a priority. There is an objection (MA32) to this proposal from the Connétable of St Helier who seeks to have the proposal deleted, while Deputy Tadier of St Brelade wants the proposal to be amended (MA43) to refer to a west of island masterplan to be brought forward no later than May 2023. The grounds for the former amendment is that Les Quennevais has developed in recent years quite satisfactorily without being identified as a secondary centre and without a west of island plan. The fear is that the DBIP proposal could lead to excessive development in Les Quennevais at the expense of the vitality of St Helier, particularly the hospitality and retail sectors. The latter amendment is based on the view that the area needs a masterplan rather than a planning framework, with the masterplan being based primarily on the ideas and input of residents and users of the immediate area. This amendment also seeks to have reference to other parts of the island's built-up areas in the proposal for a Sustainable Communities Fund (DBIP, page 78).

2.9 The Minister points out that Les Quennevais is *de facto* the island's secondary centre and that the idea is to promote an appropriate amount of development, including employment development related to the airport and urban regeneration. Account is taken in the DBIP of the need to keep development in the west of the island at a level that takes into account the implications for the primacy of St Helier. Thus, the DBIP sets a limit of 200 sq m on office developments in Les Quennevais (Policy EO1, DBIP, page 155) and a defined geographical limit to the Les Quennevais centre. The aim of the west of island framework is to renew the urban fabric, vitality and attractiveness of Les Quennevais as a place to live, work and visit.

2.10 Given the scale and nature of development in the area, there is little doubt that Les Quennevais is the secondary centre in the island. It makes sense for it to be treated as such and there is no reason why a framework should not prove to be a major advantage in directing and controlling development in a way that will adequately take into account the impact on St Helier. Bearing in mind resources, it is not unreasonable for the Minister to resist the call for a masterplan to be prepared by 2023. For the reasons outlined, the Member amendments (MA32 and MA45) that want reference to Les Quennevais excluded

from Policies ER1 – Retail and town centre uses; ER2 – Large scale retail; ER4 – Daytime and evening economy uses; EO1 – Existing and new office accommodation; and PL2 – Les Quennevais, are not recommended.

2.11 The Minister is content to include reference to other parts of the island’s built-up areas in Proposal 6, Sustainable Communities Fund (see SR03). The Minister is also minded to amend the proposal to make it clear that the intention is to bring this forward as part of the subsequent Island Plan (see SR66 and PCR6). This is helpful clarification.

**Recommendation 1: In Proposal 6, Sustainable Communities Fund, to add the words “and other parts of the island’s built-up areas” in the first sentence after the words “future development of Town”. In paragraph 2 (as set out in SR66), add the words “the necessary legal mechanisms for” after “design and introduce the”, and after “Bridging Island Plan” add the words “ready for inclusion into the subsequent review of the Island Plan”.**

2.12 Strategic Proposal 5 – an infrastructure roadmap for Jersey, did not attract significant representations that need to be considered in this report.

2.13 In general, the Strategic Proposals part of the DBIP attracted a range of representations that extend beyond the remit of the DBIP. These include the Government’s procurement strategy, the need to stop attracting high worth individuals to the island, restricting families to one child and requiring businesses in the island to show that they are not linked to undemocratic governments around the world.

## **Strategic Policies**

2.14 The DBIP contains 7 high level strategic policies. Many of the representations deal with matters of detail not strategy and are therefore considered elsewhere in this report. Some of the representations, while generally supporting the policies, want more emphasis put on biodiversity and environmental considerations. A number argue that the DBIP is fundamentally flawed in not recognising the existential threat posed by climate change. There are strongly held views that the DBIP places economic considerations above all else at the expense of the natural environment. In our view, at the strategic level the DBIP provides a robust framework for protecting the environment taking biodiversity considerations into account. For example Strategic Policy SP5 – Protecting and improving the natural environment, states that the protection and improvement of the natural environment, landscapes, seascapes, coastline, biodiversity and geodiversity is a high priority. The strategic policies in the DBIP reinforce the Government’s Common Strategic Policy 2018-2022 which, as key priorities, requires the protection of the natural environment and for account to be taken of climate change and biodiversity loss. These priorities are supported by the declaration of a Climate Emergency in Jersey in May 2019. Furthermore, the Minister has published a Preferred Strategy for a Carbon Neutral Roadmap. This strategy provides for investment of £23 million over the next four years and aims, by 2030, to reduce emissions by 68% compared to a 1990 baseline. In



our view, the strategic policies are generally appropriately worded given that the DBIP has to attempt to balance environmental considerations with the need for development to meet the reasonable expectations and requirements of the local community.

2.15 Some representations seek to have the strategic policy approach strengthened by detailed wording changes for all, or nearly all, of the policies. These suggestions have been considered but in our view the wording of the policies generally makes the intent clear. Also suggestions that wording such as “wherever possible” should be removed from Strategic Policy SP5 – Protecting and improving the natural environment or “reasonably practicable” from Strategic Policy SP7 - Planning for community needs, do not acknowledge that in considering planning applications the ideal is not always possible and there is often a need to balance competing considerations.

2.16 Under the terms of Strategic Policy SP2 – Spatial strategy, the spatial strategy in the DBIP is clearly articulated based on a logical hierarchy. The emphasis is on development in St Helier and to a lesser extent Les Quennevais, limited development in defined local centres and very limited development in smaller settlements. Outside the built-up areas, development is only supported in well-defined and severely restricted circumstances, particularly in the proposed Coastal National Park (CNP) area. Many of the representations support this spatial strategy although some contend that development should be more “fairly” spread throughout the island. In broad strategic terms, it is considered that the overall approach is well articulated and fully justified on sustainability grounds. The National Trust for Jersey considers that small coastal settlements should be identified in a further category to allow for strict criteria to be applied in these settlements. Having another level in the settlement hierarchy would in our view unnecessarily complicate the overall strategy. The DBIP contains a range of policies that provide adequate protection for the coastal settlements.

2.17 The Connétable of St Brelade is seeking to amend Policy SP1 (MA55) to include reference to the loss of public car parking, and Policy SP2 (MA53, MA54 and MA55) to refer to building density being subject to the proposed St Brelade’s Bay Improvement Plan. Deputy Tadier also wants reference to higher densities in Les Quennevais deleted (MA43). As is the case with Strategic Proposal 1, it is not considered appropriate to single out St Brelade’s Bay for special attention in broad island-wide strategic policies. The same applies to the changes sought (MA53 and MA54) in Policy SP7 regarding the shoreline extension zone and the economy. The Connétable of St Brelade also wants SP3 – Placemaking amended to require local community support for planning decisions (see MA59). We consider that the Minister is right to reject this, as States’ decision-makers act on behalf of the whole island community and should not invariably be bound by local views, important though they are. We do not accept that reference to higher densities should be deleted given the status of Les Quennevais in the settlement hierarchy.

2.18 A more flexible approach to the use of existing buildings within the countryside is sought by Senator Moore (MA26) in Policy SP2 and Policy PL5 – Countryside, coast and marine environment. We agree with the Minister that

the suggested amendments are not acceptable given the strong emphasis on countryside protection in the DBIP and the strategy of focussing development in sustainable locations. This matter is also dealt with in the Housing section of this report under Policy H8 – Housing outside the built-up area.

2.19 The Connétable of St Helier wants reference to Les Quennevais removed from SP2 (MA32). This amendment is not supported as the concern of the Connétable regarding the impact of treating Les Quennevais as a secondary centre is addressed by restricting the defined centre of Les Quennevais and limiting the size of developments in the centre.

2.20 Provision for the inclusion of reference to people with disabilities in Policy SP3 and Policy SP7 proposed by Deputy Gardiner (MA23) is supported by the Minister (see SR05). These changes clearly have merit.

**Recommendation 2: Amend 4. in Policy SP3 to include the words “having regard to the needs of those with disabilities” following the words “accessible and inclusive design”. Amend bullet point 2 of Policy SP7 by adding the words “including those with disabilities and additional needs” after “individuals and families”.**

2.21 The Jersey Farmers Union (JFU) is concerned that increasing land values inhibit the provision of affordable housing needed by the agricultural sector and want a measure of calculating land value included in Policy SP7. The JFU would like land values to be fixed. We agree with the Minister that it is not possible under present legislation to cap land values.

## Places

2.22 The Places section of the DBIP seeks to identify the key policies that apply to particular parts of the island and to outline the nature and extent of development that is planned. Given the nature of this section of the DBIP, it is not surprising that the representations on this part of the DBIP are wide ranging. Having said that, the Places policies are drafted in very straightforward and general terms and the policies themselves have not attracted a significant amount of objection.

2.23 As regards Policy PL1 - Development in Town, there is a reasonable amount of support for the notion that Town should accommodate the bulk of development over the Plan period. This is not surprising given that St Helier is by far the largest built-up part of the island and where the business, administrative, commercial, retail and community facilities are concentrated. The DBIP contains an extensive range of policies that apply to Town and although there are unsurprisingly objections to many of these policies on points of detail, they provide a clear and comprehensive basis for development in Town.

2.24 Deputy Gardiner has proposed an amendment (MA06) to Policy PL1 and Policy PL3 – Local centres, requiring education needs to be given priority on States of Jersey or States-owned company land, where there are identified

needs for primary school facilities. This amendment has largely been overtaken by events as proposition P.43/2021 Amd.Amd. has been agreed by the States Assembly. This proposition has a very similar effect to MA06 and therefore we consider that this amendment is not necessary.

2.25 The Association of Jersey Architects broadly supports the Places policies but considers that more secondary centres should be identified to allow more parts of the island to benefit from the economic policies in the DBIP. It also thinks that the boundary of Les Quennevais is too tightly drawn on the Proposals Map. At the hearings, the Association confirmed that it is referring to the Les Quennevais centre boundary. Defining further secondary centres is not necessary as most of the policies that the Association refer to, for example Policy ER3 - Local retail, contain sufficient flexibility to allow for small scale local businesses in appropriate circumstances. The Les Quennevais centre boundary is deliberately, and in our view, appropriately tightly drawn given the need to ensure that development in Les Quennevais does not threaten the vitality of St Helier. Another area of concern for the Association of Jersey Architects is Policy PL5 – Countryside, coast and marine environment, which it believes might cause confusion by conflating the requirements for the CNP and the Green Zone. Reading the DBIP as a whole, it is clear that there are particular restraints that apply to the CNP. We think it unlikely that Policy PL5 will cause confusion.

2.26 The amendments to Policy PL5 sought by the Connétable of St Brelade (MA53 and MA54) relate to the shoreline zone in St Brelade. These amendments are not supported or relevant because, as the Minister points out (SR51), Policy PL5 relates to the areas outside the built-up area and is not intended to deal with areas such as the St Brelade’s Bay shoreline.

2.27 PCR6 includes several changes to the Proposals Maps and other minor wording corrections to the text of the Places section of the DBIP. The Proposals Map changes are dealt with elsewhere in this report and the minor wording changes are supported to provide clarity.

**Recommendation 3: Amend the wording in the Places section in accordance with the Minister’s proposed modifications schedule (Part 6 of the Post-consultation report).**

## **Section 3: Housing**

### **Introduction**

3.1 This part of the report deals with the topic of housing in the following way:

1. Relationship with the Island Plan Review Preferred Strategy
2. Spatial Strategy
3. Housing Demand
4. Housing Land Supply - Quantum Required
5. Approach to Housing Delivery
6. Approach to Sites Proposed in Representations

7. Sites with Ministerial Support – Allocated in the DBIP or shown as Alternatives in SR26
8. Member Amendment Sites not Supported by the Minister
9. Omission and Other Sites
10. Remaining Housing Policies and Proposals.

## **1. Relationship with the Island Plan Review Preferred Strategy**

3.2 The foundation for the DBIP is provided by the Island Plan Review Preferred Strategy (IPRPS), sponsored by the Minister for the Environment and endorsed by the Council of Ministers. In terms of housing policy, the IPRPS identifies the availability and cost of housing as a key issue that the DBIP is designed to address. Under the planning for the needs of the community strategic policy in the IPRPS, one of the principles is to ensure that all islanders have access to and can afford a decent home. Critical considerations for housing on the island are therefore the balance between demand and supply and the spatial distribution of additional housing provision. For housing purposes the DBIP works to a five year period rather than the three year Plan period (2022–2025).

## **2. Spatial Strategy**

3.3 The DBIP strategy for all development, including housing, is to focus the bulk of development on the built-up areas. This conventional approach is regarded by the Minister as having several advantages. These include promoting sustainable development by minimising travel, making effective use of resources, protecting the intrinsic value of the countryside and coast, safeguarding productive agricultural land and reinforcing the vitality and viability of the smaller built-up areas in the island. Opponents to the approach argue that it would be fairer to require all parts of the island to share the burden of accommodating new development. The strategy is a continuation of the existing approach, the success of which is demonstrated by the fact that some 80% of housing development since 2013 has been in the built-up areas.

3.4 It has been suggested that the DBIP should risk a new initiative that would allow a very modest amount of development located close to existing buildings and homes in the countryside, particularly where the development is to provide accommodation for family members related to the occupiers of existing dwellings. It is claimed that such an approach would reduce the amount of green field land that needs to be rezoned for housing. While on an individual basis it may be possible in some cases to provide such development in a way that would not obviously impact on the countryside, it is our view that the cumulative impact of such an approach would be detrimental to the overall appearance of the countryside. Historically in Jersey, the countryside was compromised to an extent by scattered development unrelated to agriculture and to increase the scale of scattered development would damage, what the DBIP describes as, a “precious asset treasured by islanders” (Policy SP5, DBIP, page 43). It would also be contrary to the broad spatial strategy of the DBIP which we see as logical and well founded.

3.5 There are implications that flow from the DBIP approach particularly in relation to the use of redundant glasshouse sites. A number of those making representations argue that glasshouse sites should be seen as brown field land and used for residential development in preference to re-zoning green field sites for housing. It is claimed that there is no realistic chance of redundant glasshouse sites being returned to agricultural use. Whatever the merits of this argument, promoting the use of redundant glasshouse sites for housing throughout the island would have an adverse impact on the character of the open countryside and would to an extent undermine the sustainability credentials of the DBIP. The exception to this would be glasshouse sites that are in, or exceptionally closely related to, existing built-up areas.

### **3. Housing Demand**

3.6 An Objective Assessment of Housing Need (OAHN) in the island was undertaken by consultants in 2018 with the Final Report published in January 2019. The OAHN was broadly based on the approach set out at the time in the National Planning Policy Framework and Planning Policy Guidance in England but was adapted to take into account the particular circumstances of Jersey. The three-step approach used in the Jersey OAHN started with demographic data, followed as a second step by adjustments for immigration and employment and thirdly, adjustments for key worker housing. This approach relies on reasonable assumptions and past growth trends.

3.7 The demographic starting point for the OAHN was the 2016 based population projections produced by Statistics Jersey. Noting that for Jersey immigration is a key component of population change, the OAHN records that average net inward migration over the decade 2005–2015 was around 900 persons per annum. Higher than average levels of net in-migration were experienced in the years 2013–2015 when the population increased by about 1,000 persons yearly. The IPRPS notes that Statistics Jersey estimated the 2019 year end population of Jersey at about 107,800, with the annual increase in population being around 1,100 persons of which net inward migration accounted for 1,000 and natural increase of 100. The IPRPS report notes that in the five-year period leading up to the DBIP the average population change has been an additional 1,370 people a year. However, there is a downward trend from the 2015 high point of 1,720.

3.8 The IPRPS report makes the important point that the level of net in-migration is largely interdependent with the level of employment growth in the island. Bearing in mind the economic uncertainties caused by the Covid-19 pandemic and Brexit, the IPRPS strategy concludes that slowing economic growth is expected to lead to a fall in net in-migration. Given that there has already been a downward trend in population growth since 2015, this is an understandable view. To quantify the predicted fall, the IPRPS notes the impact on net in-migration that was experienced after the 2007-08 financial crisis. Applying this guideline, the conclusion is that a reduction of 35% on the average net in-migration over the last three years is a reasonable assumption to make. Combined with a natural increase of around 100 persons per year the consequent near-term planning assumption is a population increase of around

4,000 (800 per year) over the five years 2020–2024. The DBIP adopts this reasonable assumption as the basis for the housing policies.

3.9 The approach taken by the Minister, with the support of the Council of Ministers, has been criticised from diametrically opposed standpoints, while some argue that the Minister is correct to plan for some growth but not for as much as is proposed in the DBIP. On the one extreme, there are those who believe that the Minister should not be planning for any population growth – or at most only for natural increase – until a long-term population/migration policy has been formulated and adopted by the States. On the other hand, it is contended by some that the conservative approach by the Minister threatens the economic recovery of Jersey and that the latest indications are that the pandemic and Brexit have not had as large a dampening impact as was feared. It is argued that to support economic growth the Plan should be based on a net in-migration assumption of at least 1,000 people per annum. The link between economic growth and net in-migration supports the view that the DBIP should provide for at least as much net in-migration as has occurred in the recent past. However, the logic of having a short-term plan is to allow the States to assess the situation in the light of uncertainties before committing itself to a longer-term plan. The impacts of Covid-19 and Brexit on the economy are not yet clear. Accordingly, we regard the cautious approach taken by the Minister as prudent and logical taking into account the available evidence and the obvious uncertainties flowing from Brexit and the Covid-19 pandemic.

3.10 Delaying any plan until a long-term population/migration policy is in place would prevent the Government from dealing with critical current issues and problems, such as current housing needs. Given the link between economic growth and net in-migration, it would also most likely have a severely damaging impact on the economic prospects of Jersey.

3.11 A further element in the demand side of the equation is the backlog of need that has arisen because of a historic mismatch between net in-migration and the provision of additional housing. This mismatch flowed from a policy position established in the States' Strategic Plan 2009 - 2014, which was reflected in both the 2011 Island Plan and the Revised 2011 Island Plan, adopted in 2014, that net in-migration would be 325 whereas it has been over four times greater than this. When preparing the DBIP, the Minister calculated that the historic unmet housing need was 1,800 dwellings. This calculation was based on a comparison of the final expected supply against the final anticipated demand. The demand was based on actual migration levels and population growth experienced for the period 2011-2017. Beyond 2017, a net migration level of plus 1,000 was assumed. Supply was calculated from actual completed units for 2011–2018 (inclusive) plus an estimate for the known pipeline of builds. An updating of the figures shows that completions were actually lower (4,058) than predicted and hence the latest calculation by the Minister is a shortfall of 2,050 dwellings (see SR23).

3.12 Based on a demand figure of 6,596 and a supply figure of 3,617, the Minister's backlog figure has been challenged. The contention is that the backlog is almost 2,980 and that for ethical reasons this should be made up

within 5 years. The demand figure in the challenge is based on several published assessments by Statistics Jersey of Jersey's housing need (2008-12, 2013-15, 2016-18 and 2019-21) and the supply figure comes from monitoring data plus an estimated completion rate for 2020 of 366 derived from the 5 year completion rate average.

3.13 It is considered that the Minister's evidence is robust. This is because the Minister's evidence for the majority of the period being considered derives from the actual delivery of homes and population data. In contrast, the Statistics Jersey material is based on estimations of need in assessments carried out by Statistics Jersey and the intentions of a random sample of about 10% of the private households in the island as expressed in the Jersey Annual Social Survey. Because the Minister's evidence is regarded as more convincing, the argument that the backlog of housing need is some 65% higher than the Minister's original figure of 1,800 dwellings is rejected. The contention that the backlog should be made up over 5 years rather than the 10 years proposed by the Minister is also not accepted. Although in ideal terms the backlog should be made up as quickly as possible, there is little point in including proposals that are unrealistic and hence not deliverable. One of the tests that we are required to apply is whether the Plan is deliverable. Including clearly undeliverable proposals in the DBIP would undermine the credibility of the Plan. The proposals already provide for a step change in the amount of additional housing to be provided and it is not credible to argue that the growth level should be over three times higher than in the recent past.

3.14 Taking into account the housing demand based on projected demographic change, and the need to address the backlog, the Minister has concluded that over a 10-year period there is a need for at least 7,900 additional homes. This figure should be increased in the light of the slightly higher level of unmet need now identified. Noting that there is potential to make better use of the existing housing stock through non-development policy options, the DBIP includes a provision for around 200 extra dwellings to be provided over the Plan period based on the work of the newly created Housing Policy Development Board. The Minister accepts that this is a subjective judgement that will require monitoring. The Minister's approach is a reasonable one given the newly created Strategic Housing and Regeneration Team, and the relatively modest contribution expected from this source. If the approach proves to be unsuccessful or optimistic, it will be possible for adjustments to be made in the next longer-term plan for the island.

3.15 An additional 25 dwellings per year are proposed to meet the needs of key public sector workers. Drawing together the various elements of housing demand, the Minister considers that the DBIP should have an overall five-year housing target of 4,000 additional homes (SR23 and PCR6). It is considered that this figure is justified by the available evidence. The OAHN identified a need for at least 920 social rented and 1,100 affordable ownership dwellings over the period 2021 to 2030 assuming an annual population increase of 1,000. This translates into a requirement for 1,000 affordable homes over a 5-year period (Policy H5, DBIP, page 189).

**Recommendation 4: Amend the figure for housing demand of 3,750 homes to 4,000 homes in every place where it occurs in the Draft Bridging Island Plan.**

3.16 In summary, the most comprehensive challenge to the DBIP figures argues for a demand figure of 6,484 dwellings rather than the 4,000 in the DBIP. The significant difference is based largely on three considerations. The shortfall figures - nearly 3,000 rather than the DBIP figure of 2,050. The time period for making up the shortfall - 5 years rather than the 10 years in the DBIP. A net in-migration assumption of at least 1,000 rather than the 700 assumed in the DBIP. As outlined above, it is considered that the DBIP calculations are more realistic than those presented in the case for a much higher level of demand.

#### **4. Housing Land Supply - Quantum Required**

3.17 Based on the 'Housing land availability and assessment of sites' core document (April 2021), the supply of additional housing is expected to come from six sources:

- Homes under construction – 1,325 homes (as at end of 2020).
- Sites with outstanding planning permission - 700 homes (March 2020), 70% conversion rate applied.
- Capacity within Town – 600 homes.
- Government and arms-length bodies owned sites – 575 homes.
- Windfall sites outside Town – 500 homes.
- Extensions to built-up areas (rezoning) – 450 homes.

3.18 Of the 4,150 total in the DBIP, the supply for affordable housing is 1,500 dwellings based on sites under construction (625), rezoned sites (450) and Government/approved provider sites within the Town (425). The total number of units that could be accommodated on these Government/approved provider sites is 775, although clearly the DBIP does not assume that all of these will come forward in the Plan period. The open market housing supply involves sites under construction (700), sites with planning permission (700), sites in Town (750) and windfall sites outside Town (500) giving a total of 2,650. The 750 in Town figure involves 600 on private sites and 150 on Government/approved housing provider sites. Since the supply evidence was prepared, two significant permissions for housing have been granted – Stafford and Revere Hotels, and Mayfair Hotel. These two sites provide for over 300 homes. Clearly these permissions add to the planning permission figures but they also have the effect of reducing the possible windfall sites.

3.19 A critical question is whether the supply of housing sites is adequate to meet the requirement in the DBIP for 4,000 additional dwellings over the next 5 years. Not surprisingly, there are representations arguing that the supply of housing land identified in the DBIP is inadequate, particularly because of the reliance on windfalls to provide the land needed for open market housing.

3.20 Assessing the situation in broad terms, it is instructive to compare the present situation with the Revised 2011 Island Plan. The DBIP has an estimated



land supply of 4,150 dwellings, while the Revised 2011 Island Plan had an estimated housing land supply of 3,630 dwellings. The 2014 supply was for an 8 year period (2013–2020) whereas the housing element of the DBIP is for 5 years. On the face of it therefore, the DBIP makes more provision for housing development which should translate into a higher build rate. On the other hand, the identified demand for housing in the DBIP is for 4,000 additional homes compared with 3,450 in 2013. In both instances therefore, the identified supply is slightly higher than the assessed demand.

3.21 Policy H3 – Provision of homes, deals with the supply of homes up to the end of 2025 and records a supply figure of 4,150 homes. As drafted, the DBIP was based on an identified demand for 3,750 homes over a five-year period. This figure has been revised by the Minister to 4,000 homes (SR23) in the light of more up-to-date completion data for the period 2011–2020. Consequently, the margin of supply over demand has shrunk from around 11% ( $4,150/3,750$ ) to below 4% ( $4,150/4,000$ ). At the examination hearing, the Minister accepted that this is not a comfortable margin. It is too small to provide sufficient confidence that the DBIP can deliver the required 4,000 homes and we consider that the margin should be increased to at least match the margin in the Revised 2011 Island Plan. On this basis, we recommend that the supply side figure should be raised from 4,150 to 4,300 (see paragraph 3.90 and Recommendation 20 below). If this is done, we believe that the additional housing supply should be for affordable housing because of the critical need for affordable housing in the island and the backlog of need that has built up.

## **5. Approach to Housing Delivery**

3.22 The windfall figures used by the Minister have been challenged on the grounds that the completion figures used as evidence do not distinguish between all completions and completions from windfalls. This is a valid criticism of the evidence provided by the Minister.

3.23 In relation to open market housing, in March 2021 there were unimplemented planning permissions for just over 1,000 units. 700 open market units were under construction as at the end of 2020. In addition, the DBIP identifies government owned/approved housing provide sites for 150 open market units. Sensibly the DBIP assumes that not all of the permissions will be implemented in the Plan period and it discounts the permissions figure of 1,000 by 30%. We believe that this is a prudent approach. The identified supply figure for open market housing is therefore 1,550 ( $700 + 700 + 150$ ) leaving a windfall requirement of land for 1,100 units. Provision expected from the unidentified sites over a five-year period is therefore about 42% ( $1,100/2,650$ ) of the total open market housing planned for. Given that nearly 60% of the proposed open market housing is on sites already identified, it is considered that the reliance on unidentified sites for the balance is not unreasonable, particularly as reliance on windfall sites is established practice in Jersey. Two thirds of the housing supply in the Revised 2011 Island Plan relied on windfall sites (2,400 out of 3,630, Table 6.3, Revised 2011 Island Plan), whereas windfalls in the DBIP represent about 25% of the supply. Despite relying very heavily on windfalls, the Revised 2011 Island Plan managed to deliver over three quarters

of the planned for housing between 2013 and 2020. The much lower reliance on windfalls in the DBIP reinforces the view that there is no need for the DBIP to rezone land for open market housing.

3.24 A challenge to the approach taken in the DBIP is based on the lack of transparency in the windfall completion figures and the possibility of constraints on supply arising from several considerations, including the expansion of the CNP, the introduction of conservation areas, delays in issuing development briefs and the introduction of Passivhaus standards. Notwithstanding the unfortunate lack of transparency in the windfall figures, the evidence over the period since 2013 is that the windfall approach is successful in Jersey. There is no reason to suppose that an extension of the CNP will suppress housing land supply as this area is already subject to Green Zone designation and the CNP does not include areas where the bulk of the housing supply is expected to come from. Development brief delays is a matter than can and should be resolved by the Minister. The introduction of conservation areas is likely to impact on relatively small parts of the areas where housing growth is expected and, in any event, conservation area status does not inevitably mean less development will be allowed – it means that any development that does take place will have to respect the character and appearance of the conservation area. Passivhaus is a well-established standard and Jersey should be able to learn from the experience of others. In addition, Policy ME2 – Passivhaus standards for affordable homes and major development outside the built-up area, is very flexible and allows for concessions to be made based on both viability and other practical considerations. For these reasons, we consider that the view that supply is likely to be suppressed is unsubstantiated.

3.25 Overall, we believe that the DBIP reliance on windfalls for open market housing is justified and no sites put forward in representations specifically for open market housing are required to meet the objectives of the DBIP. Furthermore, there is the prospect of some open market “right sized” homes being provided on some of the affordable housing sites.

3.26 Turning to affordable housing and assuming a housing land supply requirement for 4,300 units, a crucial question is how much land should be rezoned for affordable housing. To answer this question, for the reason stated above, we have assumed that the open market contribution remains at 2,650 units leaving a requirement for land for 1,650 to be found for affordable housing. Set against this requirement is the supply of units under construction and the contribution expected from Government/approved housing provider sites. The former accounts for 625 units and the latter is estimated in the DBIP to provide land for 425 units. This leaves a balance of 600 units to be found from other land. Unlike previous Island Plans, the DBIP proposes to identify land through rezoning to fully meet this requirement. In the DBIP, 16 sites are proposed for rezoning for affordable housing rather than relying largely on windfall sites delivered by Andium Homes and other affordable housing suppliers.

3.27 The allocation of sites specifically for affordable housing is supported because it provides far more certainty than was previously the case where reliance was placed largely on windfall sites. In the Revised 2011 Island Plan,

five private land sites with an estimated capacity for 220 homes were zoned for affordable housing. The 16 sites proposed in the DBIP increase that capacity by over 100%. Notwithstanding the increased certainty, there are five areas of possible concern within the three identified categories of affordable housing land supply.

3.28 First, some of the Government owned sites are still in active use and although it is estimated by the Minister that they will contribute 425 affordable homes during the Plan period, the possibility of delay cannot be completely ruled out. Some reassurance on this point was provided by the Minister's officers at the examination hearing, when it was stated that since the DBIP was prepared there have been no decisions taken that would mean a delay in the delivery of the sites for housing. A contrary view from a local consultant is that only two of the sites, accommodating 275 units, are likely to be capable of delivery in the Plan period. This view seems unduly pessimistic given that the Government can work with affordable housing suppliers to facilitate delivery on these sites and the policy objective of the 2021 - 2035 Island Public Estates Strategy.

3.29 The second area of concern lies in the notion, included in the DBIP, that a proportion of right-sizing homes may be included on sites zoned for affordable housing. Whilst this may not reduce the quantum of housing provided, it could reduce the amount of affordable housing provided. Whether or not there is a delay in the delivery of the Government sites for development or a reduction in the amount of affordable housing provided in order to accommodate "right-sizing" are matters that lie in the hands of the Government. Consequently, it is not recommended that the figures in the DBIP be amended to take into account these uncertainties, but it is expected that the Minister will monitor the situation carefully, especially in the early years of the Plan.

3.30 The third area of concern is that some of the rezoned sites have been withdrawn because of the owners' wishes and others may also not come forward for development for a variety of reasons.

3.31 The allocated sites in St Martin (fields MN389 and MN390) cannot be delivered as the owner is unwilling to allow the site to come forward for affordable housing (see SR26). The same applies to field S729 in St Saviour (SR26a refers). Between them, these sites could have accommodated up to about 55 homes. The Minister has recognised the need to find alternative sites for any of the identified rezoning sites that are withdrawn. The Minister has suggested (SR26) eleven sites that should be considered as possible substitute sites. We consider that it is essential that an alternative site or sites be found, as the provision of affordable housing is a critical requirement in the island and the identification of specific sites for affordable housing is an important part of the DBIP strategy. The Minister considers that all eleven alternative sites put forward for consideration would be able to meet the strategic objective of allocating sites that relate well to existing built-up areas. Seven further sites, not supported by the Minister, have been suggested in States Members' amendments as possible sites for affordable housing or for housing for people aged 55 and over.

3.32 The fourth area to be considered is our assessment of the suitability of the allocated affordable housing sites. Should we recommend against any of the DBIP sites, it will be necessary for us to recommend alternatives, either from the Ministers' suggested sites or from sites put forward in the representations.

3.33 Fifth and finally, there is the question of whether the development industry in Jersey has the capacity to effect a step change in the delivery of new homes. The Minister believes that the increase in housing delivery is achievable. This is a situation that will need to be carefully monitored and, if the construction industry is not delivering the required quantum of housing, the Minister will need to review matters such as construction techniques and practises when the next Island Plan is produced.

## **6. Approach to Sites Proposed in Representations**

3.34 Including the sites suggested by Members that are not supported by the Minister, a large number of sites have been put forward in representations for consideration as housing sites – some specifically for affordable housing, others for open market housing. In relation to open market housing, the DBIP does not include provision of the specific allocation of sites for this purpose and we have concluded that this approach is reasonable.

3.35 The sites proposed in representations for rezoning for affordable housing (for ease of reference described in this report as 'omission sites') have to be considered firstly in relation to the overall strategy in the DBIP, and then in the context of two other categories of affordable housing site. First, the sites proposed in the DBIP for rezoning for affordable housing and secondly, the alternative possible site/sites put forward for consideration by the Minister.

3.36 As regards the overall strategy, the omission sites have been assessed in terms of how well they meet the requirements of SP2 and how they compare with sites in the 'Housing land availability and assessment of sites' core document (April 2021). In many instances, the case advanced in representations in favour of a rezoning is based mainly on two core points. Firstly, that the site is close to, or within, a built-up area and hence can be integrated with the existing settlement in accordance with the strategy of the DBIP. Secondly, that in the housing site assessment work referred to above, the site scores as well as, or nearly as well as, sites selected for rezoning in the DBIP. In relation to these arguments two points should be noted. Firstly, integration requires more than close proximity. Integration requires both proximity and a satisfactory spatial relationship with the surrounding development. Secondly, the point about having a plan is to enable the States Assembly to select the sites that are considered to best meet the relevant policy requirements and to allocate an appropriate number of sites to meet the identified need. To allocate significantly more sites than are required on the basis that they score as well as, or nearly as well as, sites in the Plan would undermine the point of having a plan in the first place.

3.37 In our view, any site put forward in a representation for rezoning for affordable housing must clearly be preferable to the sites allocated in the DBIP

or the alternatives proposed by the Minister. It is also our view that it is sufficient to allocate sites for around 600 affordable dwellings as the identified demand from the Objective Assessment of Housing Need (2019) is 1,000 affordable homes over 5 years (DBIP, page 189), compared with a supply of 625 under construction and 525 on Government/Approved provider sites. The addition of about 600 dwellings on rezoned land would thus ensure that the policy objective of addressing part of the housing need backlog can be met. Our approach, therefore, is to consider in the first instance the DBIP sites and the Minister's alternatives. If this approach leads us to conclude that there is a need for further affordable housing allocations, a recommendation is made about which of the omission sites should be considered further by the Minister. This recommendation will obviously also provide the Minister with our view about which of the omission sites should be rezoned for affordable housing, should the Minister wish to increase the amount of land rezoned for affordable housing or to find alternatives to the DBIP/SR26 sites.

## **7. Sites with Ministerial Support – Allocated in the DBIP or proposed as potential alternatives by the Minister in SR26**

### **St Clement**

#### **C102, C104 and C105**

3.38 These three fields listed in SR26 cover an extensive area behind frontage development on La Grande Route de la Cote (A4), and a strip of old and new housing which extends northwards on the east side of the La Rue de Samarès. The large development would be prominent in the landscape on the gently rising slopes away from the sea. Although the southern end of the site is close to a bus route and a cafe/restaurant to the south of La Grande Route de la Cote, apart from a nursery, other facilities in St Clement and along the coast road are some distance away. Fields C104 and C105 were stated to be the best tomato growing land in the island and there is a strong objection from the JFU to the loss of good farming land. Although local residents report egrets using the fields, the mostly agricultural land shows little evidence of wildlife and is not designated as being of ecological interest.

3.39 For a development of up to 80 dwellings, access is also problematic. Many local residents have raised concerns about the La Rue de Samarès, which is narrow, without footways for considerable lengths and is not suitable for increased traffic. One possible access point is very narrow, another between two relatively recently constructed houses, is also not ideal for a proper estate road. The Minister indicated that access should be obtained from La Grande Route de la Cote. There is an existing vehicular and pedestrian access about 5m wide between two houses fronting La Grande Route de la Cote, which serves car parking and housing to the rear. Space for any access with footways is restricted and passes immediately next to two houses. On balance, therefore, we consider that there are other more suitable sites to make up any housing shortfall and these fields are not recommended for inclusion as an allocation under Policy H5 – Provision of affordable homes.

**Recommendation 5: Fields C102, C104 and C105 are not allocated for affordable housing.**

**Grouville**

G392A

3.40 The proposed allocation in the DBIP would be a relatively small extension of the existing development at Grouville on the west side of La Grande Route des Sablons, a primary route from which good access can be obtained. Development would project as far west as the residential buildings fronting La Sente des Fonds to the north and would not be unduly prominent in the flat landscape of the coastal plain here, which is classified as having 'medium-low sensitivity'. A primary school and doctors' surgery are located within 15 minutes walk or cycle ride and a good bus service runs between St Helier and Gorey past the site.

3.41 The site is a flat field. It is good agricultural land, which we understand has been used for growing potatoes. It may have some ecological value through its use with adjoining fields by migrating birds in winter but has no environmental designation. Participants at the hearing gave somewhat conflicting evidence about possible flooding in winter but the Strategic Flood Risk Assessment events list does not show any record of flooding at La Sente des Fonds. Part of the site lies within an area of low flood risk (1 in 1,000-year event), which might reduce its capacity but would not preclude development of most of the area. The use of sustainable drainage systems in the normal way could help to improve drainage and potentially increase the ecological value of the land. On balance the development of this land is at a sustainable location for affordable housing and we support the inclusion of the site in Policy H5.

**St John**

J525, J1109

3.42 Field J525 in St John now has planning permission so it is logically part of the DBIP.

3.43 Field J1109 in Sion is suggested by the Minister in SR26 as a possible alternative affordable housing site. Sion is a local centre and therefore an area where development is in line with the spatial strategy. Our view is that this would not be one of the best alternatives put forward by the Minister because it would extend development into the countryside to quite a large extent. However, it is a relatively flat site and thus development would not be particularly prominent. With careful boundary treatment, the impact of housing on the site on the surrounding countryside could be mitigated.

**Recommendation 6: Consider field J1109 as a possible replacement housing site in accordance with SR26**

## St Helier

### H1186A, H1189, H1198

3.44 These three pasture fields are proposed in the DBIP for development jointly. A Member amendment (MA01) seeks removal of the allocation. The site lies adjacent to a primary route, La Grande Route de St Jean, from which satisfactory vehicular access could be obtained. A good new pedestrian access could be achieved via La Grande Route de Mont à L'Abbé. Development on the fields would comprise an extension to St Helier, the main urban area of the island, next to two bus routes in a relatively sustainable location near a number of services including a retail park, Haute Vallée School and a Morrisons Daily a short distance to the south. Although there are some glasshouses and residential development almost immediately opposite the site on the (east) side of La Grande Route de St Jean, the urban extension would have some visual impact on the landscape, extending and consolidating the substantial finger of built form on the outskirts of St Helier some distance from the town centre.

3.45 More significantly, all three field parcels are currently used for grazing by an accredited organic Jersey herd, part of one of only two such farms in the island. At the examination hearing, both the JFU and the Jersey Milk Marketing Board stressed the vital importance to the dairy industry of maintaining the organic status of the pasture, the accreditation process for which takes four years. The current farmer's dairy itself is adjacent to the site. While the site was classified in the Minister's evaluation as strategically highly important, we consider that there is considerable merit in the argument that the agriculture filter used in the Minister's process was too broadly based to give proper weight to different agricultural uses.

3.46 While the ecological value of this site in the adjoining hedgerows need not be lost, residential development would result in the loss of agricultural production of Jersey milk which has considerable value in an island context and would threaten the status of the milk business in the island. This might have been overemphasized in representations, but in the necessary balancing exercise undertaken for all sites, our view is that the agricultural considerations on this site are a distinct disadvantage which leads us to conclude against confirming the allocation.

**Recommendation 7: Remove fields H1186A, H1189 and H1198 from the list of housing sites in Policy H5 and amend the Proposals Map accordingly.**

### H1219

3.47 This site included in Policy H5 is a gently sloping field which is believed to have been used in the past to grow potatoes. The site lies well within the urban area at perhaps the most sustainable location of all the proposed allocations. A Member amendment (MA12) seeks removal of the allocation on grounds of landscape impact and highway safety. The field slopes gently to the south and is well drained but its agricultural value is somewhat constrained by surrounding

residential development on three sides and the adjoining school complex. We agree with the Minister that safe access to the primary road network, with adequate capacity, could be obtained via Clarke Avenue, which serves the adjoining Haute Vallée School immediately to the north. The field appears to have no exceptional ecological value. Some concerns were expressed about the ability of the schools in St Helier to accommodate more pupils from new development, particularly at primary level. In 2019 there was adequate provision overall and there is a three-form entry school nearby. A review of provision is underway and the Government confirmed that further capacity could come forward to meet the development needs of the Plan as a whole, not just this site. We consider the allocation for affordable housing to be appropriate.

3.48 The western half of the field retains a longstanding designation of safeguarding for future educational use (another field (H1256), a short distance away to the east, has a similar designation). The Minister sets out a case that overall education provision is adequate, subject to an island-wide review. A three-form entry primary school is nearby. While the western part of the field might well be intrinsically suitable for residential development, it seems prudent to safeguard it for future educational needs at this time, until a full review has been completed. There is no evidence to indicate that the Government's stated position on potential future educational needs should be disregarded at this time.

#### H1248

3.49 This reasonably flat site is included in SR26 and it would form a logical extension to the northern edge of St Helier, without undue landscape impact. The field has some, but not exceptional, agricultural value, and any remaining ecological features in the surrounding hedgerows could be retained through development brief conditions. The Minister's main concern regarding access is likely to be resolved through negotiations with the owner of the adjoining industrial premises to achieve a new road through the existing car park. This leads onto La Pouquelaye, a mainly residential street similar to many others in St Helier. In summary, this relatively sustainable site close to the urban facilities of Town would add much needed affordable housing provision in broad compliance with the overall DBIP strategy.

**Recommendation 8: Consider field H1248 as a possible replacement affordable housing site in accordance with SR26.**

### St Lawrence

#### Midbay

3.50 The Minister has included this site in SR26. This site forms a small part of a wider area of Protected Open Space that forms a visual gap in the built form along the road frontage. The owner does not want it to be allocated for affordable housing, so it is not a viable alternative affordable housing site. The representation challenging the inclusion of this site in the Protected Open Space designation is soundly based, as this land was originally a tennis court for



Midbay House and it remains part of a domestic curtilage. The land should be treated as part of the built-up-area.

**Recommendation 9: Amend the local centre boundary on the Proposals Map to include the land at Midbay House in the built-up area.**

## St Martin

### MN389 and MN390

3.51 The Minister has confirmed that this Policy H5 site is not deliverable as the owner is unwilling to see it developed for affordable housing (see SR26).

**Recommendation 10: Remove fields MN389 and MN390 from the list of affordable housing sites in Policy H5 and amend the Proposals Map accordingly.**

### MN410

3.52 This site is included in Policy H5. There was some earlier confusion in the run up to the hearings about the availability of this site for development. It was stated at the hearing that the owner seeks development for Over-55s housing, but would also be prepared to release the site for affordable housing, to be let or sold on shared ownership basis through the Jersey Affordable Housing Gateway (Gateway). The site would be capable of providing about 23-34 homes. The Deputy for the parish stated that there was evidence of need for 'right sizing' homes, which could be administered through the parish (MA16). However, to achieve successful provision of affordable housing, some mechanism would be required to ensure that homes vacated by their owners would be available to be added to the affordable housing stock and, therefore, the Minister's position to not support MA16 is considered appropriate.

3.53 The access would probably be obtained from La Rue des Buttes, a narrow lane, like many all over the island, which is a green lane and a cycle route. Despite the somewhat difficult acutely angled junction with La Grande Route de St Martin (A6), this would be acceptable. Although new housing would be a noticeable extension to the built form at St Martin's village, the field itself is relatively flat and has no particular landscape character. The JFU have stated that it is not particularly valuable for agriculture. Local residents state that a long-eared bat roost is located next to the field, presumably in the hedgerow trees to the south and west. The Minister suggests that this would not preclude development, provided that suitable mitigation measures, including possible relocation, were to be employed. On balance, therefore, we support the allocation in Policy H5.

### MN391

3.54 This is a SR26 site. It is a quite large field and is well related to the built form of St Martin's village, being surrounded by development on three sides.

Any development here would have minimal impact on the wider landscape, therefore. The site is close to the village centre which contains a range of facilities, and to a bus route. Residents argue that access is poor; La Longue Rue to the south is a quite narrow ‘green lane’ designated as a cycle route with poor sightlines at the junction with La Grande Route de Faldouet. To the east, La Rue de Payn is also narrow, currently one way only from the north. However, these circumstances are not unusual in Jersey and with careful design and management we consider safe vehicular access could be achieved, possibly using both roads. The flat field itself has no particular ecological interest, nor does it appear to be valuable farmland. Boundary hedgerows and trees could be kept to retain any wildlife habitats. Despite concerns raised in representations about primary school capacity, a development of this size is unlikely to generate enough primary age pupils to overwhelm the school.

3.55 The site is capable of providing up to 56 homes, which would create a very significant increase in the village housing stock. Whether there would be sufficient local need for affordable housing through the Gateway, in addition to site MN410, seems most unlikely, although the Plan as a whole attempts to deal with all such need on an island-wide basis, irrespective of the impact on travel patterns for work, education, leisure and community uses. However, at the hearing there was evidence from the Minister and residents that the site was not available for development at present and would not be deliverable in the Plan period. It is not, therefore, recommended for inclusion as an allocated affordable housing site in the DBIP but may well be suitable for a mixed housing development incorporating private, affordable and retirement homes in the future.

**Recommendation 11: Field MN391 is not allocated for affordable housing.**

**St Mary**

**MY563**

3.56 The Connétable of St Mary is seeking to have field MY563 included as an affordable housing site in Policy H5 (MA49) and the Minister has included it as a SR26 site. There are no sites in St Mary included in Policy H5. The capacity of the site is estimated at 25 dwellings. St Mary has a limited range of facilities compared to some other villages but it does have a small shop, a petrol filling station and a primary school, youth and community centre and parish hall. It is less-well served by public transport than other parts of the island. Field MY563 is part of a larger area of open space in the heart of the village and is classified as an inner field in the Jersey Landscape Sensitivity Assessment. There is housing development to the south of the field that development on MY563 could be designed to relate to. We agree with the Minister’s assessment (SR33) that the core pasture fields MY497-98 and MY564 separate MY563 from the village, but the site could be developed in a way that retains most of the visually valuable open space whilst complementing the housing to the south. There is evidently a need for affordable housing in the village. We consider that a

modest amount of housing on the site, designed to complement the housing to the south, would be acceptable.

**Recommendation 12: Consider field MY563 as a possible replacement affordable housing site in accordance with SR26.**

## St Ouen

### O594 and O595, O622 and O623

3.57 Fields O594 and O595 are included in Policy H5. Together they form a narrow parcel of land sandwiched between La Rue de la Croix and intensive housing development within St Ouen's village to the south. Development on these fields would relate well to the form of the village given that La Rue de la Croix represents a logical boundary to the settlement. The fields are of limited agricultural value particularly given the shape of O594 and are not within a particularly sensitive part of the Interior Agricultural Plateau Character Type. The fields are well screened by a hedge along the road frontage. The village centre with a range of facilities is within easy walking distance and development of the site could readily incorporate pedestrian/cycling route links to the existing development to the south. Vehicular access from La Rue de la Croix would be necessary and, although not ideal given how busy this road appears to be, the access would not be unusual in the Jersey context. The inclusion of fields O594 and O595 in Policy H5 is supported.

3.58 Fields O622 and O623 are two level fields in agricultural use on the edge of St Ouen that are included on the Minister's alternative list in SR26. Currently in the Green Zone, the fields are not particularly sensitive in landscape terms. There are houses to the north and east of the fields. To the west is agricultural land and buildings. La Rue de la Croute runs along the western and northern boundaries of the land. This road is very restricted and would not provide adequate access, which would have to be taken from La Route du Marais which runs along the southern boundary of field O623. Good access to the community facilities in the nearby village centre would be by means of La Route du Marais. A pedestrian right of access could be secured via La Petite Fosse

3.59 Fields O622 and O623 could accommodate around 77 homes. The development of the fields for affordable housing for the parish is supported by the Connétable, who points out that there has been no major housing project in St Ouen since 2006. A survey of the local residents shows a demand for both first time buyer and older persons housing. The development of these fields would represent a substantial extension of the built-up area of St Ouen's village but, given the development running along two sides of the land, it is considered that development on the fields could be integrated into the form of St Ouen's village. A strong landscaping boundary could be created to the west. In combination, the fields make up a substantial parcel of flat land that is being cultivated and is regarded by the JFU as valuable agricultural land. On balance, it is considered that these fields should be considered for affordable housing notwithstanding their agricultural value.

**Recommendation 13: Consider fields O622 and O623 as possible replacement affordable housing sites in accordance with SR26.**

**St Peter**

**P632, P558 and P559**

3.60 P632 is allocated for rezoning in the DBIP but is not supported by the JFU as it is seen as within a priority dairy zone. However, it is noted that the owners of nearby fields (P657/P658/P760) were unable to secure a buyer when these fields were put on the market in late 2018. Furthermore, the field has not been used for dairy farming in recent years and now houses pigs. For these reasons, the objection on agricultural grounds is not supported.

3.61 There is strong support for the proposal from the parish and others on the grounds of an urgent need for affordable housing in the parish. An outline application for 65 homes on the site was rejected in 2018 on the grounds of prematurity, pending a review of the island's affordable housing needs. The prematurity argument falls away as the DBIP has now shown a high level of need for affordable housing. The site relates well to the existing community facilities in St Peter and to the existing housing to the west along La Grande Route de St Pierre and to the north on La Verte Rue. Development would extend the built-up area of St Peter's village into countryside, but in many instances this will be an inevitable consequence of the rezoning strategy designed to meet an urgent housing need. There would be some impact on the landscape surrounding the village, particularly views towards the village, but this could be mitigated by appropriate site planning and boundary treatment. Access to public transport and to established walking and cycle routes is good. The earlier outline application referred to above was supported by the Infrastructure, Housing and Environment – Highways Team. The inclusion of P632 in Policy H5 is endorsed.

3.62 Some reservations about using this land for housing rather than for a village green have been expressed. Whether or not the use of the land for a village green is a possibility would depend on cooperation from the landowner – a matter that is uncertain at this stage. It is considered that it should be possible to incorporate a good-sized village green into a comprehensive design for an attractive housing development, if the site is linked with fields P558 and P559. Fields P558 and P559 have been proposed for affordable housing, by the Connétable of St Peter (MA04) and Senator Moore (MA40) respectively, and are also listed as possible alternative affordable housing sites by the Minister in SR26. Given the housing along La Rue des Sapins, development on these fields would relate reasonably well to the existing form of the built-up area. Currently, access to these two fields is difficult but this problem could be resolved by linking them to a comprehensive development with P632, thereby enabling La Verte Rue to be widened. As with P632, any comprehensive scheme for the three fields would need to pay careful attention to boundary treatment to mitigate the impact on the surrounding countryside.

3.63 Depending on the size of any village green that may be incorporated into a comprehensive scheme, these three fields are likely to be capable of accommodating around 100 dwellings with the 2 alternative sites P558 and P559 possibly contributing around 45 of them. The addition of this amount of housing to St Peter's village around a village green would boost the supply of affordable homes in the island and, in line with Policy PL3, improve community facilities in the village and make a considerable contribution to the vitality, viability and social sustainability of this local centre.

**Recommendation 14: Consider fields P558 and P559 St Peter as possible affordable housing sites, in accordance with SR26 (together with field P632).**

## St Saviour

### S413, 415, 415A and S470

3.64 Two sites at St Saviour have been put forward in the DBIP as strategic extensions to the greater area of St Helier and St Saviour. We can well understand local residents' concerns about the potential effect of more traffic from a number of recent residential developments, and the 'overload' which may be created by further proposed allocations. A Member amendment (MA02) seeks to remove the proposed fields S413 and 415 (and field S530) on these grounds. It was acknowledged that Five Oaks junction clearly does get very busy at peak hours and that some of the footways in the area are relatively narrow. However, the problem of congestion, particularly just before and after school opening hours, is not unusual, nor particularly long lasting. The Minister for Infrastructure is intending to address the wider issue of traffic problems through a number of island-wide initiatives. Safe access to the primary route could be obtained. It would not appear to make the best use of available land to develop just half of the site, as suggested by the member amendment and some residents.

3.65 The first site - S413, S415 and S415A and S470 - lies in a relatively sustainable urban location, with a range of retail outlets, primary and secondary schools, employment and community uses nearby. The allocation would create an outward extension of built form into the countryside, although there is the housing estate of a Les Cinq Chenes to the south east, an industrial estate on the opposite side of La Grande Route de St Martin and a fairly recent development of Greenfields Secure Care Unit, to the north east. In our view, development would not result in unduly harmful visual landscape impact. Most of the ecological value of the site would appear to be found in the surrounding hedgerows and some trees and could be retained, by and large, through good design, including the use of gardens and/or open space. A Member amendment (MA29) seeks the allocation of fields S415A and S470 for affordable sale to first time buyers only. The sites are included as part of provision to meet an island-wide need for both shared ownership and rented accommodation but the Minister acknowledges that a more place-specific, tailored approach may be appropriate here, given the availability of social rented housing nearby. A

recommended amendment to Policy H5 regarding tenure split generally would address this issue (see paragraph 3.93 below).

#### S530

3.66 The second St Saviour site is a field that lies on the side of a valley but is surrounded by residential development on three sides, and development would in effect be a rounding off of the urban area. Although disputed by residents nearby, the development of most of the field could be accommodated in the wider landscape without undue detriment and the attractive valley floor retained. Although not designated as being of special interest, residents argue that there is some ecological value/interest. This would appear to rest primarily in the hedgerows and some trees at the edges of the arable field and could be retained through normal design processes.

3.67 In the overall planning balance therefore, taking all these points into account, the benefits of allocating the two sites at St Saviour at sustainable locations for much needed affordable housing to be provided through the States' Gateway outweigh any disadvantages.

#### S729

3.68 This Policy H5 site is undeliverable as the owner is opposed to affordable housing in the site (see SR26a).

**Recommendation 15: Remove field S729 St Saviour from the list of affordable housing sites in Policy H5 and amend the Proposals Map accordingly.**

#### S341

3.69 S341 is a flat site with good access off Bel Air Lane on the edge of Five Oaks. It is located next to Grainville School to the west and residential development to the south, with other buildings to the north and east, so its development would not be perceived as a significant extension to the urban area. It is acknowledged to have limited agricultural value and there is no evidence of any significant ecological features. It is suitable for allocation for affordable housing.

**Recommendation 16: Consider field S341 as a possible replacement affordable housing site.**

## **8. Member Amendment Sites – Not Supported by the Minister**

### **St John**

#### J939

3.70 Field J939 St John is proposed by the Connétable of St John for inclusion in Policy H5 as an affordable housing site (MA36). The intention would be to provide 11 affordable first-time buyer homes using the parish's Greenwood Housing Association. This site relates very poorly to the community facilities in St John. Developing affordable housing in such a countryside location would be contrary to the spatial strategy that the DBIP is based on. We agree with the Minister that this site should not be allocated for affordable housing.

#### J236 and J229

3.71 Both of these sites are dealt with under Policy H6 below.

### **St Lawrence**

#### L127

3.72 Senator Pallett has proposed this site (MA18). The amendment argues that the land should be designated as a new built-up area capable of accommodating both affordable and first-time buyer/open market housing. This would allow several opportunities for infill development providing for around 30 homes. We agree with the Minister's assessment that this agricultural field would not be suitable for housing as it is remote from local facilities and development would harm the countryside character of this location. Accepting this amendment would be contrary to the fundamental spatial strategy of the DBIP.

### **St Martin**

#### MN489

3.73 This field to the south of the La Court Clos was suggested as a Member amendment (MA17) as another 'right sizing' site for Over-55s housing. Access through this small cul-de-sac would have to negotiate two closely spaced right angle bends, so would be far from ideal. The development would be a very obvious and southern extension of the village envelope and would have a significant detrimental visual impact on the landscape compared to the proposed allocation of MN410 nearby to the west. Similar comments apply regarding the mechanism for achieving affordable housing as for MN410 above. Proposals for care homes would be met through Policy H6. We support the Minister's opposition to allocation for these reasons.

## St Mary

MY493

3.74 As with MY563, the Connétable of St Mary is seeking to have this field added to the list of affordable housing sites in Policy H5 (MA50). This rectangular site forms an integral part of a larger area of open land in the inner core of the village. This open land provides the village with much of its character and also serves to allow views of historic buildings including the church in the heart of the village. It is concluded that the Minister is correct in not being minded to support the Member amendment.

## St Ouen

O630

3.75 There are mixed views about this site in the community. A Member amendment (MA11) seeks to remove the Protected Open Space designation and to retain the built-up-area designation. Some feel it is ideally placed to provide affordable housing, as it is already owned by the parish. Others, including a number of residents and the Minister, feel that it needs to be retained as Protected Open Space as designated in the DBIP. We agree with the Minister that St Ouen's village is not well served by Protected Open Space when compared to other local centres and that the site is too small to make more than a minimal contribution to meeting housing needs. The land makes a positive contribution to the character of the village centre. No change to the DBIP is recommended.

## 9. Omission and Other Sites

3.76 We have assessed the omission sites against the allocations in the DBIP and the possible alternatives advanced by the Minister in SR26. All of the omission sites have been visited and the representations made advocating inclusion of these sites as allocations have been fully taken into account as has the Minister's response. A number of the representations specifically seek an allocation in the Plan for open market housing. In a few instances, the allocation sought is for an open market allocation on a relatively small site in an area characterised by large expensive homes. In our view, such small sites are best considered through the planning application process. In any event for the reasons detailed in paragraphs 3.23 – 3.25 we have reached the view that the DBIP is right to base its approach at this time on only allocating sites for affordable housing, and to rely on windfalls to make up the supply of land for open market housing.

3.77 Turning, therefore, to the allocation of sites for affordable housing, as explained in paragraphs 3.36 and 3.37 above, the critical consideration is whether any of the omission sites are clearly preferable to the Policy H5 sites or the sites proposed by the Minister as possible alternatives in SR26. It is apparent from the work done by the Minister on possible housing sites (Housing land availability and assessment of sites, April 2021) that there are a large



number of potential sites that achieve roughly the same score on the basis of the assessment criteria set by the Minister. Unsurprisingly, therefore, many of the omission sites representations make broadly similar claims for allocation status. In most instances, the omission site arguments rely largely on the location of the site close, or adjacent to existing housing. On this basis, many of the omission site representations have an arguable case particularly, given the way existing housing is spread around the island. However, in our view, the argument is flawed as it does not take adequate account of the critically important spatial approach in the DBIP which is to concentrate development in a limited number of specific locations- namely the two main centres and, to a much lesser extent, in the local centres. Spatial considerations are therefore arguably one of, if not the most important consideration when assessing the omission sites.

3.78 There are several other factors to which we draw attention. In some instances, the sites are well located in spatial terms but they cannot be integrated with the existing built-up area in a way that would not result in extending development into the adjacent countryside in a visually unsatisfactory manner. In other instances, there are sites on which development would close off a visually important gap in a road frontage or compromise an important open area within a built-up area. Access is another consideration but we do acknowledge that, given the nature of the road network in Jersey, it is frequently necessary to accept less than ideal access arrangements.

3.79 Having considered the omission sites in detail we conclude that, with the exception of field O785, there are no omission sites that are clearly and demonstrably preferable to the Policy H5 sites or the possible substitutes proposed by the Minister in SR26. For this reason, we have not recommended that any of the omission sites other than field O785 be allocated for affordable housing. The key and table in **Appendix 2** provides a summary of our reasons for rejecting the omission sites advanced either by Members and not supported the Minister or by other parties. It should be noted that where a site has been proposed by the Minister in SR26, as well as being put forward as an omission site, it has been dealt with in part 7 of the Housing section of this report. There are several sites that require further explanation.

## Sites Requiring Further Explanation

### St Brelade, Tabor Park

3.80 Land at Tabor Park, St Brelade, was put forward for consideration in representation to the Minister (See PCR4). It is a small land parcel at the front of the site, currently in the Green Zone but it has the appearance of being part of a domestic garden and is set within a built-up road frontage immediately adjacent La Route des Genets. It does not form an important visual gap in the frontage and it is considered that the site should be included in the built-up-area boundary.

## **Recommendation 17: Amend the secondary centre boundary on the Proposals Map to include the land at Tabor Park in the built-up area.**

3.81 Field O785 St Ouen is currently shown as part of the built-up-area in the DBIP Proposals Map. It is subject to a Ministerial amendment (SR67) which seeks to exclude this site from the built-up-area, as we understand that the Proposals Map designation is a cartographic error. We agree that the error should be corrected. The site was allocated for affordable housing in previous Island Plans but has not been developed. We understand that affordable housing is now proposed through the Gateway and an application is being prepared. The site is located in the settlement of St George's Church, its development would logically relate to the form of the settlement and it would make use of a redundant glasshouse site that is exceptionally well integrated with the existing settlement. In our view, the site which can accommodate around 20 dwellings should be allocated as an affordable housing site.

**Recommendation 18: Correct the cartographic error on the Proposals Map in accordance with SR67. Allocate field O785 for affordable housing and amend the Proposals Map to reflect this designation.**

#### St Peter, P655 and P656

3.82 In St Peter there is a representation seeking the allocation of fields P655 and P656 for affordable housing. This site could accommodate around 30 dwellings. It is considered that this site could be considered instead of P558 and P559 which are the alternative St Peter sites suggested by the Minister in SR26. P655 and P656 are well related to the built-up-boundary and this positive relationship has been reinforced by the permission granted in January 2021 for 11 new homes on land to the north at Manor Farm. The parish supports the allocation, not least because it offers the prospect of a connection to existing cycle and pedestrian routes. Given the potential scale of affordable housing in the village represented by the site in the Plan and those favoured by the Minister as possible alternatives, it is not recommended that fields P655 and P656 be allocated at this stage as the site does not have any significant advantage over the allocated and Ministerial alternatives.

#### St Lawrence, L875 and 875A

3.83 In St Lawrence the Methodist Homes Association is asking for fields L875 and L875A to be allocated for a 60-bed care facility. The Minister is opposed (SR02) on the grounds that the demand evidence shows little change in the last 10 years, the Jersey Care Model aims to reduce care placements and that sites within built-up areas and in close proximity to community facilities should be given priority over rural locations. The Association points out that the proposal is essentially an up-grading of the existing facility. The aim is to provide a better environment for the residents as well as making the facility more economically viable. The proposal would not result in all of the land being lost to agriculture. While we agree with the Minister that it would not be appropriate for sites in the countryside to be allocated for new care facilities, this is not a proposal for a new facility and the matter is not clear cut. On balance, we support the Minister's approach for the reasons he gives. We consider that this is a matter that is best dealt with through the planning application process

rather than by having an allocation in the Plan. The application process can weigh in the balance the advantages of improving the existing facility.

3.84 Our conclusions regarding the allocation of land for affordable housing in accordance with Policy H5 are:

- Sites for affordable housing for around 600 dwellings need to be allocated.
- Not all of the sites allocated in the DBIP can be delivered. The owner of S729 St Saviour does not wish to see the land allocated for affordable housing. This site has a potential yield of 14 - 20 homes. The same applies to fields MN389 and MN390 in St Martin, which could accommodate around 30 homes.
- In St Helier, H1186a, H1189, and H1198 are not suitable for development and should be deleted as affordable housing allocations. These sites have a potential yield of 52 - 76 homes.
- The impact of the undeliverable and sites recommended for deletion is a shortfall of about 125 units.
- The possible alternative sites put forward by the Minister in SR26 are not all considered to be suitable for housing. Sites C102, C104 and C105 St Clement, Midbay St Lawrence, and MN391 St Martin are regarded as unsuitable for affordable housing at this time.
- None of the omission sites put forward in representations for affordable housing offer significant advantages over the sites that we recommend be retained as allocations or the SR26 alternatives that we regard as suitable. However, there is one site, O785 in St Ouen, capable of accommodating 20 homes where there are exceptional circumstances that justify an allocation for affordable housing.
- The remaining proposed alternative sites including field H1248, St Helier; field J1109, St John; field MY563, St Mary; fields O622, O623 and O785, St Ouen; fields P558 and P559, St Peter; and field S341, St Saviour are capable of making up the shortfall.
- Together, all sites that are proposed to be either retained in Policy H5, or added to Policy H5, equate to approximately 160 additional homes above the previously allocated total of 450 homes in Policy H5. This, therefore, provides an overall total supply of 4,310 homes, meeting the recommended increase of supply to 4,300 homes.

3.85 Taking into account our conclusions about the Policy H5 sites, the SR26 sites, the Member amendment sites not supported by the Minister and the omission sites, *Table 1* below summarises our view of the 5-year land supply position (figures rounded).

Table 1: 5 Year Land Supply Position

Supply Source	Affordable	Open Market
Under Construction	625	700
With Planning Permission	0	700
Town Windfall	0	600
Government/Approved Housing Provider Sites	425	150
Windfall Outside Town		500
Rezoning Sites in DBIP	345	
Minister's Alternative Sites (SR26)	245	
Additional Recommended Site	20	
<b>Totals</b>	<b>1,660</b>	<b>2,650</b>

## 10. Remaining Housing Policies and Proposals

3.86 There is a Proposal 19, Design for homes, for Supplementary Planning Guidance (SPG) setting out design standards for new homes. Having SPG for housing design is a sensible and conventional approach and the intention is not challenged in the representations. Comments in the representations regarding proposed SPG relate rather to matters that are not relevant to this report such as the challenge in resource terms of producing a number of supplementary guidance documents and the degree to which the Government adheres to planning policies and guidance.

3.87 Policy H1 – Housing quality and design, sets out very general, largely uncontroversial requirements for new homes.

3.88 SPG is proposed for minimum density standards (Proposal 20, Minimum density standards). A number of representations express concern about the impact of higher densities on existing built-up areas, particularly St Helier, St Brelade's Bay and Les Quennevais. However, the spatial strategy of limiting the amount of development on green field sites means that within the existing built-up areas it is critical that the use of land is optimised as far as possible. It is clear from the introduction to the density standards proposal that the government is fully alert to the need to balance the demand for housing with a respect for the character of Town and other built-up areas.

3.89 Turning to Policy H2 – Housing density, the Connétable of St Helier has proposed an amendment (MA42) to the policy that would involve the addition of reference to parking provision and amenity space. The Minister is minded to agree with this change which provides useful clarification (see SR61).

**Recommendation 19: Add a fourth bullet point to Policy H2 as follows, "the quantity and quality of amenity space and parking, including visitor parking."**

3.90 Policy H3 – Provision of homes is dealt with above. The view is taken that the margin of housing supply over demand should be increased on account of

the lower completion rate between 2011 and 2020 than was anticipated when the DBIP was prepared.

**Recommendation 20: Revise the supply figure in Policy H3 to make provision for 4,300 homes. Amend the first bullet point to read “up to 1,660 affordable homes (including key worker accommodation)”.**

3.91 Policy H4 deals with meeting housing needs. The policy is not controversial but, as proposed by the Connétable of St Brelade (MA44), the Minister is minded to amend the policy to include reference to “right sizing” (see SR24). The aim of the right sizing approach is to enable people to remain within their established neighbourhoods or local networks but to have the opportunity to move to accommodation that suits their needs as these change. As “right sizing” is part of the Government’s approach to meeting housing need this amendment is sensible, although it is considered that additional clarity is needed because as drafted the policy would apply to all development, even that involving only one dwelling.

3.92 Our view is that the policy should include reference to the scale of development to which the policy applies and a figure of 4 dwellings is suggested.

**Recommendation 21: Add a new sentence at the end of paragraph 1 of Policy H4 to read, “Residential developments for 4 or more dwellings should, in particular, include a proportion of smaller homes to encourage and enable right sizing.”**

3.93 Policy H5 details the sites that are allocated for affordable housing. Our conclusions regarding the housing land supply element of Policy H5 are dealt with above. In addition, there are a number of other Member amendments proposed about Policy H5. Our recommendations regarding the other Policy H5 Member amendments are as follows:

- MA07 by Deputy Gardiner. The Minister supports this amendment (see SR25), which sensibly provides for equality of opportunity.

**Recommendation 22: In Policy H5 in the penultimate paragraph after the words “Jersey Affordable Housing Gateway”, add “where no more than 50% of the allocation for affordable homes for purchase on any given site should be to people who are prioritised due to being able to demonstrate links to the parish in which the homes are located, with no such restriction applying to people aged 55 or over”.**

- MA29 by the Connétable of St Saviour. As discussed with regard to the sites in St Saviour above, we agree with the Minister (SR28) that some more flexibility in the policy to allow for social housing tenure to reflect local needs is required. We appreciate the point made by Andium Homes that this will complicate site purchase negotiations but we believe that this disadvantage is outweighed by the benefits of a more flexible approach.

**Recommendation 23: Amend the third paragraph of Policy H5 to read, “All of the sites listed in this policy should be developed in accordance with the guidance to be issued by the Minister for the Environment which will address the site-specific tenure split and where appropriate, the provision of homes to enable the “right sizing” of homes within the existing housing stock.”**

- In MA41 Senator Mézec’s amendment seeks to have all States-owned land or States-owned companies’ land to be used for affordable housing unless unviable. The Minister is not minded to support this amendment as it is regarded as too prescriptive. We agree with the Minister. However, he supports the premise that underpins the amendment and is looking for a more nuanced approach (see SR27). The suggested wording in the amendment would allow for exceptions to be made with regard to viability. To allow for a more nuanced approach, the Minister may wish to consider widening the considerations to be taken into account to include matters such as site specific and community needs. We make this as a suggestion as we do not have sufficient background information to make a firm recommendation.

3.94 Proposal 22, Future affordable housing provision, sets out the intention to carry out further research into the introduction of a mechanism to deliver a proportion of affordable homes on all housing development sites. The Minister’s view is that this matter cannot be progressed until an up-to-date viability analysis has been undertaken (see SR22). The Minister notes that the 2021 viability note, although acknowledging the divergence of build costs and property values since the 2017 viability work was done, also refers to the uncertainties caused by the Covid-19 pandemic. Adopting a cautious approach, the Minister wants to be informed by a detailed and full viability assessment before considering the introduction of a policy for affordable housing on all housing development sites.

3.95 Senator Mézec proposes an amendment (MA25) that would introduce a new policy into the Plan, effective from January 2023, requiring private developers to provide an element of affordable housing in their schemes. The details would be provided in supplementary policy guidance and the policy would be phased in incrementally. Senator Mézec draws attention to the considerable amount of work done on this subject for the 2011 Island Plan. Although the 2011 proposal was not progressed, Senator Mézec considers that the same approach could be introduced into the DBIP to help address the critical need for more affordable housing in Jersey.

3.96 A policy requiring private developers to provide a proportion of affordable housing on housing developments, usually on schemes over a defined size threshold, is commonplace in England. The effectiveness of the approach is variable. Usually, it is most effective in areas of high demand for housing where viability is strong and the local authority applies the policy robustly and consistently. In such circumstances, the developers are forced to take the policy requirement into account when purchasing land as they are aware that the

authority is unlikely to water down the policy requirement because of the price paid for the land.

3.97 We note the Minister's reference (SR66) to the 2021 viability note view that there are still uncertainties about the values of properties and the cost of construction because of the Covid-19 pandemic. Nevertheless, it is also evident from the 2021 work that build costs have risen by less than 20%, while property values have risen by more than 20% and in some instances by more than 40%. These facts taken with the viability work done in 2017 and 2021 lead us to the view that there is probably sufficient evidence to justify bringing forward Proposal 22 at this stage. Senator Mézec's amendment contains a considerable amount of detail about how the policy could work but we are not in a position to know whether Senator Mézec's amendment is appropriate in all respects. Our view is that, taking the lead from the Member amendment, Proposal 22 should be prioritised with a view to introducing an appropriate policy into the next island plan review. Ideally we would have preferred to have the policy introduced into this Plan but we understand that for practical reasons this is not possible without having all the detail agreed at this time. The alternative of introducing it during the course of this bridging Plan would necessitate a formal interim Plan review. This would not be sensible given the short time span of this Plan.

3.98 Proposal 22 notes that an affordable housing contribution policy will need to take the proposed Sustainable Communities Fund into account. This is sensible given the experience in England, where the introduction of the Community Infrastructure Levy did, in some instances, undermine affordable housing policies.

**Recommendation 24: Progress Proposal 22, Future affordable housing provision, as a priority with a view to including a requirement for a proportion of affordable housing to be provided in appropriate open market housing developments as a policy in the next ten-year plan in 2025.**

3.99 Policy H6 deals with supported housing. The Deputy of St Martin has lodged an amendment (MA16) seeking the removal of field MN410 from the list of affordable homes in Policy H5, reference to people over-55 included in Policy H6 and a designation of MN410 in H6 as a site for retirement homes administered by a trust in conjunction with the parish. Two similar amendments to H6 are sought by the Connétable of St John for field J236 (MA35) and field J229 (MA34). These amendments by the Deputy of St Martin and the Connétable of St John are looking to provide for local parishioners over-55 and to further the ambition to release family homes onto the market. While both these aims are commendable, we agree with the Minister that the evidential justification for the amendments is not convincing and that the needs of the over-55s are catered for by other policies in the DBIP and through the work of the Gateway. Policy H6 is specifically intended to cater for those who need support – it is not intended to apply generally to anyone aged over 55. We consider that Policy H6 is best left as a specific policy addressing the housing needs of those who need support.

3.100 In terms of the relationship with the built-up-area, J229 lies in a sensitive landscape that forms an important area of countryside between St John's village and the coast to the north. J236 is in a less sensitive landscape area and could be integrated with the village in a more satisfactory manner. The Minister does not support the need for the designation of housing sites for open market housing for people aged over-55. We agree with the Minister's position but if this changes we suggest that J236 is a better candidate than J229. Site MN410 is considered suitable to meet current general affordable housing needs (see Policy H5) and in the term beyond the Plan period another site in St Martin (MN391) could be considered for a mixed housing development.

3.101 A proposed Member amendment (MA22) by Deputy Gardiner to Policy H6 to include reference to people with disabilities and additional needs is supported by the Minister (see SR38).

**Recommendation 25: Amend Policy H6 by adding the words "and homes that will support independent living for those with disabilities and additional needs" in the first sentence after the words "supported housing". Also, in the first sentence add the words "or specifically designed and adapted" after the words "development of supported".**

3.102 Policy H7 – Key worker accommodation, has been the subject of a request for a definition of key workers. However, the explanatory text makes the position and intent of the policy clear. It is considered that any further elaboration of the policy is unnecessary.

3.103 Turning to Policy H8 - Housing outside the built-up area, although this matter is largely dealt with as a strategic consideration, many of those making representations have also taken the opportunity to make their views known under Policy H8. The views range from total opposition to any development outside the built-up area, to support for rezoning green field sites for 3+ bedroomed open market homes. There are also requests for small sites related to existing homes spread throughout the island to be used for homes for family members. We have dealt with these matters under the spatial strategy above and have endorsed the strategic approach taken in the DBIP.

3.104 An amendment (MA26) is sought by Senator Moore who wants more flexibility in the policy in relation to the use of buildings in the countryside that are no longer needed for agriculture and allows for the sub-division of existing homes. Policy H8 already refers to the possible use of traditional farm buildings and to existing employment buildings. The Minister is minded to consider changing the policy to provide more flexibility regarding the use of existing dwellings, should the States Assembly be minded to agree the objectives of Senator Moore's amendment, as set out in SR40. We consider that the changes that the Minister is minded to make are generally sensible but consider that there is the possibility of confusion by the use of the phrase "significant increase in potential occupancy". Is this related to the existing number of people or not? How big a number is "significant"? We consider that the reference to increased occupancy is an unnecessary complication. We endorse the changes the Minister is minded to make excluding the reference to increased occupancy but including



the re-integration point. We agree with the Minister that to extend the flexibility to all buildings, as the proposed MA26 would do with the suggested change to PL5 (second paragraph), would undermine the sustainability credentials of the DBIP.

**Recommendation 26: In Policy H8 remove clause 1.b. Add “where it involves” after “extension or” in the first sentence of 2. Replace “a separate household” with “separate households”. Remove “and” from the end of 2.a. Add new clause 2.b., “2.b. the accommodation is capable of allowing the creation of additional households where they meet the minimum internal and external space standards and specifications for homes within the existing or extended dwelling;” and re-number existing 2.b. to make it 2.c.**

3.105 In relation to Policy H9 – Rural worker accommodation, the Connétable of St Brelade (MA56(a)) wants an additional sentence added that would aim to protect the accommodation of workers involved in tourism in St Brelade’s Bay from changes of use. We do not agree with the suggested amendment for two reasons. Firstly, the suggested phrase “shall be discouraged” is unlikely to provide an effective mechanism for implementing the suggestion. Secondly and more importantly, we agree with the Minister that the planning system does not generally regulate different types of residential accommodation other than where there is a specific occupancy condition. Any change of use proposals in St Brelade would be subject to the normal planning scrutiny regarding a change of use (see SR51).

## **Section 4: Natural Environment**

### **Coastal National Park**

4.1 The Jersey Coastal National Park was established in 2011, informed by an earlier Countryside Character Appraisal carried out in 1999, and intended to add an additional level of protection to the most valuable landscape in the island. The DBIP proposes to extend this area in two ways: to add some additional areas of very high landscape value inland from the coast and to include the intertidal zone between high and low water marks. The aspiration of the DBIP is to provide better protection of the Park through Policy NE3 – Landscape and seascape character, which affords a stronger framework against harmful development than found in the Green Zone and to cover parts of the marine environment.

### **Land**

4.2 The revised Park area results from a Boundary Review, January 2021, which itself was based on a comprehensive landscape study, the Jersey Integrated Landscape and Seascape Assessment (ILSCA), May 2020, both prepared by Fiona Fyfe Associates. Five criteria were used for the redefinition of boundaries.

All previous areas of the CNP were included. The criteria reviewed/considered a number of factors, including scenic quality, conservation interests, landscape/seascape role and designated sites. The previous boundary often used contours, which are not always easy to see on the ground. Some of the more significant changes incorporate the use of roads or tracks, including the road itself, which add to clarity. In total, the extended Park would cover nearly 30% of the island area.

4.3 We recognise that there was considerable strength of feeling about this proposal. While there were some concerns about the level of publicity the revised Park boundary received, the Minister did hold a stakeholder workshop and all statutory consultation requirements were fully met, including the publication of the Proposals Map with the DBIP, which showed very clearly the proposed new extent of the CNP.

4.4 For analysis, the Park was separated into nine distinct areas, including two sections offshore, each with their own character which were fully researched and properly justified. The intention of the Park designation is to protect the best landscapes in Jersey, and their settings, which are generally, but not exclusively, to be found close to the sea. We agree that it is not necessary to see the sea from all parts of the Park, rather that the designation should be an integrated landscape area, based primarily on the coastal strip and seascape but also encompassing parts of the interior agricultural plateau. In general, we consider the Boundary Review and ILSCA were based on reasonable assumptions backed up by a very considerable amount of field evidence.

4.5 Turning to the merits of including particular landscape areas, the proposal to include some additional fields at Grosnez, which are strongly related to the only small area of heathland on the island, is logical. In general, the existing boundary is quite tightly drawn along the north coast, apart from two valleys. The inclusion of fields in the agricultural plateau up to the ridgeline to include the whole valley systems is an appropriate rounding off and would help to protect the skyline. Similar arguments apply to some more extensive additions of attractive agricultural landscape around the valleys in the north east, the protection of which is justified. The boundary reasonably excludes the village of St Martin even though this area does have visual connections with the coast.

4.6 At Grouville, the setting of Mont Orgueil and wetlands at Grouville Marsh are logical additions to the Park. There is a minimal extension to include visually sensitive fields around Portelet. At St Ouen's Bay, additions bring in the sides of valleys up from the coastal plain, in a similar manner to those changes close by to the north. The use of road boundaries here creates better and stronger definition in the landscape.

4.7 A Member amendment (MA30) suggests that the boundaries be reviewed to exclude land within the agricultural plateau and proposes a new legislative framework for a revised CNP. For the reasons set out above, we agree with the Minister that the areas of agricultural land within the extended area are of outstanding quality. They encompass some of the oldest fields in the island and maintain a traditional rural character that it is entirely appropriate to protect.

We agree with the Minister that an extended area of the CNP would not diminish its effectiveness in protecting the best landscape on the island. We do not support the amendment regarding the boundaries therefore. We consider that a new designation of an Outstanding Landscape and Seascape Character Area (OLASCA) (see SR43) could unnecessarily complicate the policy context for the CNP at this time. The development of any new legislative provisions would sit outside of the DBIP process.

4.8 The fact that in some areas the Park follows field boundaries might mean that one holding could be partly within and partly outside the Park. This is a logical consequence of basing boundaries on landscape quality. Such a division is unlikely to have particular significance from a planning point of view for agricultural use of the land. The new boundary appears to have avoided splitting buildings or groups of farm buildings and has attempted to deal with previous anomalies. It is not our role to review every part of the line on the Proposals Map and to address minor boundary modifications; any significant remaining anomalies could be addressed by the Minister. In general we consider the new boundaries to be based on sound evidence and to be appropriately drawn.

4.9 Many representors expressed concerns about possible changes to permitted development rights in the enlarged area. This proposal was first put forward in the current 2011 Plan but has not been taken forward so far. This is mentioned again in the DBIP but would not necessarily prevent small extensions and minor development, which would require express permission. Such restrictions on permitted development would require other legislative provisions, which would have to be subject to separate consultation procedures.

4.10 Other concerns were raised about possible management proposals, for example to enable greater public access to private land. However, the legislative framework in Jersey for the National Park is different from England, where a positive duty to promote enjoyment of a Park is set out. The DBIP is quite clear that the CNP designation does not confer any regulations or proposals for land management or public access. The CNP is concerned solely with protection of the landscape through control of development requiring planning permission, mainly through Policy NE3. It has been suggested (through MA30) that new primary legislation should be considered to set the Park on a different legal footing, including wider management functions, promotion and funding. The current 'National Park' management body supports new legislation to confirm an extended CNP and clarify management arrangements. We make no comment on this other than to confirm support for the proposed terrestrial Park extensions under the existing policy context and legislative framework of the Plan.

## **Sea**

4.11 There is little disagreement that it would be appropriate to extend the CNP boundary to the low water mark. Doing so would help to protect the intertidal area from development, including possible port works and other infrastructure such as coastal defences, which may be harmful to the Park, thus ensuring that

any potential visual impact is considered fully in accordance with the criteria in Policy NE3.

4.12 As well as embracing the intertidal zone within the extended CNP, it is also proposed to include the shallow waters around Jersey's offshore reefs, reflecting existing Ramsar designations. The Blue Marine Foundation and others sought the redefinition of the Park boundary to include further marine areas, possibly up to the 20m depth contour or to include all high value marine habitats embracing an area of up to 300 sq km. The DBIP contains Strategic Proposal 3 - Creating a marine spatial plan for Jersey, work to support the development of which is already underway. The Minister has agreed to Parts 1.(a) and 1.(b) of suggested Member amendment (MA51) to bring forward the proposed completion of the Marine Spatial Plan (MSP) before 2025 and to develop a network of marine protected areas. However, we agree with the Minister's view set out in SR53, that the suggestion to designate a Marine Protected Area, either as part of the CNP or independently would be premature. To be effective against destructive fishing practices, which are not development controllable through planning legislation, such a proposal would have to involve agreement of a number of stakeholders and would potentially involve renegotiation of International Agreement(s) or Treaties. All development at sea requires an Environmental Impact Assessment (EIA) and Policy NE1 – Protection and improvement of biodiversity and geodiversity, already provides for the protection of biodiversity, applicable up to and beyond the timescale for the adoption of the MSP. At the present time, the Minister's proposal to deal with the marine environment comprehensively with full consultation as part of the MSP seems prudent. We agree that Part 1.(c) of MA51 should not be accepted. For the same reasons, we agree with the Minister that Part 2.(a) and 2.(b) of MA51 regarding Policy NE1 should not be supported. Similarly, Policy NE3 already requires the impact of seascape character to be considered and the application of the policy to a wider spatial area as proposed in Part 3.(a) - (f) of MA51 is not justified.

**Recommendation 27: In Strategic Proposal 3 - Creating a marine spatial plan for Jersey, insert after "Spatial Plan", "before 2025" and insert after "territorial waters", "in particular, to develop a network of marine protected areas which will".**

4.13 A sensible Member amendment (MA13) to Policy NE2 – Green infrastructure and networks, regarding tree planting in the ground (rather than in containers) and water courses has been accepted by the Minister (see SR45).

**Recommendation 28: In Policy NE2, remove "and" from the end of clause b) and add,**

**"c) ensuring that new trees are planted in the ground if at all possible, with the re-routing of any underground services and other measures that may be necessary to achieve this being undertaken as part of the development;**

**d) ensuring that where appropriate, lost watercourses are restored and new water features provided in the public realm, especially in urban areas; and”.**

**Existing clause c) becomes clause e).**

## **Other Matters**

4.14 A Member amendment (MA52) sought to exclude an area, field G252A, for a pétanque court from the extended Park. The area concerned lies adjacent to La Rue de Grouville to the north of a group of residential and farm buildings used for parking and turning. The road provides a logical boundary for the CNP and inclusion within the Park would not preclude the provision of a pétanque court, subject to consideration of the visual impact of the proposal on the landscape of the CNP under Policy NE3. We consider there is no justification for the proposed boundary change.

## **Conclusion**

4.15 In conclusion, the proposals to extend the CNP are based on a solid evidence base. The extended area on land results in a more cohesive area of the island’s best landscape and would protect the seascape of the shallow waters around Jersey’s offshore reefs and above low water mark. We endorse the extension of the CNP, which should be confirmed.

## **Section 5: Historic Environment**

5.1 The DBIP contains five historic environment policies. The representations and the Minister’s proposed changes are essentially matters of clarification and strengthening of the policies. The representations are mostly broadly supportive of the policies, although in some representations there is a degree of scepticism about the implementation of the relevant policies. Views range from a plea for the recognition of the contribution that modern architecture can make, to a demand that all re-development must be built in the same style and to the same quality as any existing buildings on the redevelopment site. Our view is that good modern architecture can make a valuable contribution to the appearance of an area and its architectural character. We support the Minister’s proposed additional sentence to the last paragraph on page 133 of the DBIP (see PCR6).

**Recommendation 29: Add new second sentence to last paragraph on page 133, “This does not preclude high quality modern design of buildings or spaces within the area, rather it seeks a contextual response to fit the place.”**

5.2 Some representations raise matters such as grant programmes that are outside the remit of the DBIP.

5.3 A section on disabilities is proposed by the Minister for the introductory text on page 124 of the DBIP (see SR41) in response to a Member amendment (MA24) sought by Deputy Gardiner. This would be a welcome addition to the Plan. The suggestion from the National Trust for an additional sentence relating to the feasibility of retaining a listed building to be added to the last paragraph on page 125 is unnecessary as this is covered in Policy HE1 – Protecting listed buildings and places, and their settings.

**Recommendation 30: Add a new section after paragraph 2 on page 124, “Inclusive design**

**Everyone should be able to enjoy easy and exclusive access to the historic environment. Listed buildings and places may need to be modified to meet existing access needs as well as the changing needs of occupants and users. Removing barriers to access can allow many more people to use and benefit from the historic environment. If sensitively designed this need not compromise the ability of future generations to enjoy heritage and access these environments.**

**Understanding the significance of a building is a vital first step in thinking about how much it can be changed to ensure sensitive interventions. In most cases access can be improved without compromising the special interest of the historic buildings and it is rare when nothing can be done to improve or facilitate access. By undertaking a careful process of research, consultation and creative exploration of alternative, good quality solutions are usually possible. The provision of improved access can be an important part of a sustainable approach to caring for the historic environment without compromising the significance of special places.”**

5.4 Concern about the possible misinterpretation of the second sentence of Policy HE1 is addressed by reference to the Law, which includes the phrase “conserve, protect and improve”. In any event, the principal requirement of Policies HE1 and HE – Protection of historic windows and doors, is the protection of the special interest of listed buildings and places and the examination was told that the way the policies are implemented avoids the misuse of the “betterment” concept. A suggestion in a representation regarding the introductory part of paragraph 4 of Policy HE1 would make the policy clearer. We agree that a change is needed for the sake of clarity but consider that the change should reflect the way heritage assets are defined.

**Recommendation 31: In Policy HE1 replace the introductory paragraph 4 with, “Proposals that do not protect a listed building or place or its setting will not be supported unless and with regard to the comparative significance of the listed building or place, or its setting, and the impact of proposed development on that significance:”.**

5.5 Another suggestion that the clause d. of Policy HE1 should include the phrase “substantially and significantly outweighs the harm” is not supported as it

would go beyond what is required in the existing legislation, and would potentially rule out proposals that offer a desirable benefit, albeit a modest one.

5.6 Concerns about matters such as the way the interior features of Grade 4 listed buildings are affected by the policies and the implications of Policy HE2 for modern extensions to listed buildings are currently being addressed in a review of the relevant legislation, including the Jersey General Development Order and the preparation of supplementary guidance.

5.7 The amendment to Policy HE2 that the Minister is minded to make in response to a Member amendment (MA14) by Deputy Huelin does not fully satisfy the Deputy as it does not refer to replacing window frames in association with replacing glazing. The Minister's view is that frames are an important element in the authenticity of a window and should only be replaced if they are beyond repair. The approach favoured by the Minister is "repair as far as possible". Given the importance of the overall appearance of windows, we consider that the Minister's approach is reasonable but that to make the position clear it is recommended that reference to "beyond repair" is included in the policy wording. As regards wording, the two responses from the Minister, SR47 and SR48, are not consistent. Our recommendation attempts to reconcile the differences.

**Recommendation 32: Amend the first paragraph of Policy HE2 to read, "Historic windows and doors in listed buildings or buildings in a conservation area which are of significance or special interest or which contribute to the character of the conservation area should be repaired using materials and detailing to match the existing. Proposals for the replacement of modern glazing in historic windows with double glazing will be supported where it can be accommodated a) within the existing window or door joinery frames or b) within a like for like frame where the existing frame is beyond repair."**

**In paragraph 3 of Policy HE2 remove the words "or the character of a building in a conservation area".**

**Add a new paragraph 4 to Policy HE2 to read: "Where proposals for the replacement of windows and doors in conservation areas will affect the character and appearance of the conservation area, they will only be supported where they protect or improve that character or appearance."**

**In the first sentence of existing paragraph 4 of Policy HE2 remove "more" before "modern windows". Remove "or buildings in a conservation area" and replace "or" with "and" at the end of the second line.**

**Add a second sentence to the penultimate paragraph of Policy HE2, as proposed in SR47, "The use of double-glazing in replacement windows and glazing in doors will, therefore, be supported where replacements replicate the historic window and doors as far as practicable helping to meet Jersey's commitment to energy efficiency."**

5.8 There is broad agreement about the desirability of designating conservation areas, particularly in the light of the failure to designate conservation areas over many years. However, the legal framework for designation does not yet exist in Jersey. The Minister is currently working on getting the required primary and secondary legislation in place and are working with Jersey Heritage on the identification of potential conservation areas. The Minister is minded to amend Proposal 14, Conservation area designation, as set out in SR49, in light of the amendment suggested by Deputy Morel (MA39). We support the substance of the amendment but consider that St Helier should be identified as the priority area given the large number of listed buildings in St Helier, the quality of the townscape and the pressure for development in Town.

**Recommendation 33: In Proposal 14, Conservation area designation, revise the second paragraph to read, "It is proposed that the first conservation area or areas to be designated should be within the historic areas of St Helier and then drawn from the following list: St Aubin, the areas around the parish churches of Grouville, St Lawrence, St Martin, Trinity, St Ouen, St Peter, and St Clement; Gorey Village and Pier and Rozel Harbour. Designation should follow engagement and consultation with parish authorities, local residents, businesses and other key stakeholders including heritage organisations."**

**Add a new paragraph to Proposal 14: "During the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this Proposal."**

5.9 We note the optimism of the Société Jersiaise and the National Trust for Jersey that conservation areas could be relatively easily designated and their wish for rapid progress to be made in designating a large number of conservation areas. Our view is that the Minister is taking a realistic and positive approach, given the need for legislation and guidance and the resources available to undertake the necessary work.

5.10 There is a representation suggesting that instead of preparing SPG, the Minister should use the guidance published by Historic England on "The Setting of Heritage Assets". The Minister's reasonable response is that the SPG work is well advanced and it will draw on best practice from elsewhere.

5.11 The Connétable of St Brelade has proposed an amendment (MA56 – Part (a)) to Policy HE4 – Demolition in conservation areas. The Member amendment seeks to prevent housing need being given precedence over needs arising from the daytime and night-time economy in St Brelade. The Minister is not minded to accept this amendment as it would to some extent undermine one of the principal aims of the DBIP, which is to meet housing needs (see SR51). We agree with the Minister.



## **Section 6: Strategic and Community Infrastructure, Utilities**

6.1 The Community infrastructure section of the DBIP deals with a range of facilities. Most of the proposals for a variety of facilities are not particularly contentious. The exception is Policy CI3 – Our Hospital and associated sites and infrastructure, dealing with the proposed new hospital.

6.2 There are a large number of representations that challenge Policy CI3 in the DBIP. This policy identifies the existing Overdale Hospital site and some additional related land as the site for the new hospital proposed for Jersey. The policy states that proposals for the new hospital within the designated site (shown on the Town Inset Plan Proposals Map) will be given the highest priority and that alternative uses for the designated site will not be supported. Many of the representations argue that the DBIP should not include provision for the new hospital on the Overdale site, in advance of a planning application for the hospital being decided. During the course of the examination hearings, a planning application for the hospital was submitted. Many argued that two other sites should be held in reserve – Warwick Farm and St Saviour’s Hospital – in case the proposals for Overdale fail to get planning permission. This is the approach of the Friends of Our New Hospital, who accept that the DBIP should identify the Overdale site in the light of the States’ formal decision, but they point out that the history of attempts to resolve the hospital issue suggest that there is a strong prospect of the current application failing. In response, the Minister points out that both St Saviour’s Hospital and Warwick Farm were considered and rejected when the site selection process was undertaken. This argument by the Minister effectively counters the point made by the Friends of Our New Hospital.

6.3 There is a challenge to the identification of the hospital site within the Green Backdrop Zone. The argument is that identifying a site for a new hospital in the Green Backdrop Zone, which has restrictive policies, will make it impossible to make a rational decision about the planning application. The Minister’s view is that the Green Backdrop Zoning is appropriate as it offers an extra level of protection in relation to the assessment of any application, but that in the public interest it is possible to permit a development that would not normally be allowed in the Green Backdrop Zone. The critical consideration would be the public interest which is referenced in 2.b. of Policy GD8 – Green backdrop zone. We consider that while the inclusion of the hospital site in the Green Backdrop Zone may be seen as counter intuitive, the public interest point and the specific provisions of Policy GD8 justify the Minister’s approach.

6.4 In relation to the principle of the inclusion of the proposal in the DBIP, it is entirely appropriate for a high level strategic plan to allocate land uses of various sorts to particular sites. The DBIP provides a policy framework which will be taken into account when individual planning applications are considered. In contrast it would not be appropriate for a strategic plan to be based on the possible outcome of a decision on an individual planning application. The current application is not a matter for this examination and we note that the

Minister has confirmed that the application will be tested against all the relevant planning policies.

6.5 There is an important second reason why the DBIP should include a policy relating to the new hospital. This project is clearly of strategic importance for the island and a firm decision has been taken by the States Assembly to locate the new hospital at Overdale. It would be perverse for the DBIP to ignore that decision. It is appreciated that there has been much criticism of the decision to locate the new hospital at Overdale - including the Future Hospital Review Panel Report on the selection process. However, the Hansard record of the States' debate on 17 November 2020 records a full and comprehensive explanation by the Deputy Chief Minister of the decision relating to the hospital. It was explained that the Hospital Political Oversight Group had set out to identify the most appropriate site. A thorough site selection process was developed and applied to a comprehensive list of possible sites. Selection criteria were agreed by health care professionals, clinicians, a citizens' panel and technical advisors. The explanation also dealt with why Warwick Farm and St Saviour's Hospital did not progress to the final shortlist of sites. Significantly, none of the amendments proposed by States Members following the publication of the DBIP for consultation seek to change or exclude Policy CI3.

6.6 There is concern in some of the representations that the reference to "highest level of priority" in the policy will mean that the planning application for the hospital will not be adequately tested. However, there is nothing in the policy to prevent any relevant DBIP policies from being applied when an application for the hospital is considered and there are further safeguards in the form of the qualifications listed under a. – c. in the policy.

6.7 A variety of other points are raised in many of the objections, including traffic issues especially for Westmount Road, the need to relocate the Jersey Bowling Club, the relationship of the hospital to the crematorium, conflicts of interest, the timing of the transfer of services to Les Quennevais, and the likely visual impact of the proposal on the skyline. As the Minister has explained in SR10, these are the sort of considerations that will have to be addressed when the planning application is determined.

6.8 Policy CI1 – Education facilities, provides support for existing facilities and identifies a number of school sites that are safeguarded for education to address specific deficiencies. A Member amendment (MA06) seeks to add a paragraph to the policy relating to the primary school estate within the parishes of St Helier and St Saviour and another Member amendment (MA08) seeks to have the Jersey Gas Site safeguarded for education, on the basis that the site is perfect for a new primary school that is needed in the north of St Helier. The Minister does not accept these amendments at this stage, pending a review of the education estate as part of the Education Reform Programme. As the Minister points out (SR08) the Infrastructure Capacity Study 2020 found that in education terms Jersey is well served with no significant shortfalls although some primary schools are at or near capacity. The pressures on schools in St Helier are acknowledged and an options study is being undertaken. If available, the results of this work could be fed into the DBIP before it is adopted.

6.9 The Minister notes that proposition P.43/2021 Amd.Amd. agreed by the States in relation to Rouge Bouillon Primary School would achieve much the same as the suggested Member amendment regarding the school estate in St Helier. This proposition allows for the early identification of necessary school sites that could, if appropriate, be incorporated into the DBIP before adoption. In relation to the Jersey Gas Site, the Minister does not wish to pre-empt the work being done on finding school sites in the area. There is also the question of what priority is given to other possible uses, including affordable housing and essential community facilities. In the light of the work being done, the view taken by the Minister is that the needs of the entire education estate are best dealt with fully when the next Island Plan is prepared and that in the short term the position of primary schools in St Helier can be resolved through the review currently being undertaken. The St Helier education estate is provided within the built-up area and a specific designation for a new school would not in any event provide a specific policy advantage. The Minister's approach, which is essentially to reserve the position, is regarded as sensible in that it avoids taking pre-emptive decisions that may prove to be sub-optimal.

6.10 The Minister is seeking to extend the safeguarding of all of field H1256 St Helier for educational purposes (see SR09). This is a prudent approach which requires an amendment to Policy CI1. In addition the Minister wishes to add clarification about development outside the built-up area. This clarification is sensible (see PCR6).

**Recommendation 34: In Policy CI1 in the bullet point relating to Mont à L'Abbé School, remove the words "Part of". Amend the Proposals Map to reflect this change.**

**After field 782 St Ouen, add "Proposals for education facilities outside the built-up area or designated sites will not be permitted except in the most exceptional circumstances where the proposed development is required to meet a proven island need and it can be demonstrated that:**

**a. the development is essential to the delivery and continuation of education services and cannot reasonably be met through alternative sites, service delivery arrangements or co-location with other services; and**

**b. sufficient work has been undertaken to consider reasonable alternative sites for the development and the selected site represents the most sustainable option, with the focus on accessibility to the community relative to the defined spatial strategy, local demand, its impact on the character and nature of the landscape and the scale of development that may be required."**

6.11 There is a representation requesting that field MN688 St Martin be allocated for a care home and that the wording of Policy CI2 – Healthcare facilities, be amended to reflect the Jersey Care Model. However, as the Minister points out (SR02) this representation misinterprets the intention of the Care Model which looks to move away from institutionalised care. Consequently, it would not be

appropriate to allocate the site for a care home or to amend the wording of the policy.

6.12 Under Policy CI4 – Community facilities and community support infrastructure, a Member amendment (MA10) to safeguard the Nelson Street car park/the Old Fire Station for the provision of a youth facility is supported by the Minister (see SR11). This is a sensible approach.

**Recommendation 35: After point 2 in Policy CI4 add a new provision, “3. to address specific deficiencies in the provision of youth facilities the following site is safeguarded for use as a youth facility. The alternative development of this site will not be supported unless it can be demonstrated that it is no longer required for this purpose. Nelson Street Car Park/The Old Fire Station site: Nelson Street, St Helier.” Amend the Proposals Map to reflect this change.**

6.13 The Minister also supports an amendment by Deputy Ward (MA09) to the wording of Policy CI5 – Sports, leisure and cultural facilities (see SR14) This modest revision of the wording of clause 3. (Springfield Stadium) sensibly serves to give the policy a degree of flexibility. A request from Jersey Sport to redraft clause 3. completely is not supported by the Minister. We agree with the Minister that the wording, as proposed to be amended would allow for the interests of both the football club and the wider public to be catered for.

**Recommendation 36: Amend clause 3. of Policy CI5 by removing the words “or increases” after “redevelopment maintains” and add to the end of the sentence after “public” the words “or increases the proportion of freely accessible public open space”.**

6.14 Jersey Sport has requested that FB Fields, St Clement be added as a sports and leisure enhancement area to the list in Policy CI5. The request is logical and the Minister is minded to accept it (see SR15).

**Recommendation 37: Add the FB Fields to the list of sports and leisure enhancement areas in Policy CI5. After 5. insert “6. FB Fields, La Grande Route De St Clement”. Amend the Proposals Map to reflect this change.**

6.15 The Minister does not support the request for a site to be designated (field MN727) for an indoor cricket facility with supporting health, fitness and wellbeing activities adjacent to the existing Farmers Cricket Field (see SR12). We understand that the existing facility including the club house has been privately funded. The Minister points out that the site is agricultural land in the Green Zone, is remote from the village centre of St Martin and that development as proposed would harm the character and nature of this rural area. In addition, the policy approach is to focus new large-scale sports facilities in the primary and secondary centres or within sports and leisure enhancement areas. While the Minister’s view is respected, there are two factors that provide support for the proposal. Firstly, the site is the logical place for such a facility, being adjacent to the existing cricket ground, which provides an excellent facility for

cricket in the island. The proposal is supported by the International Cricket Council and the ground has provided a venue for international teams to compete against the Jersey team. Secondly, the hearing was told that alternative arrangements for existing indoor sporting facilities at Fort Regent are being sought as Fort Regent is not ideal for indoor sports. In our view, these factors outweigh the Minister's objection. The proposal would provide a privately funded, desirable facility in a logical location. In reaching our view, we have taken into account the Active Jersey Strategy and the aim in the DBIP to ensure a broad range of high-quality facilities for sport in the island.

**Recommendation 38: Allocate in Policy CI5 field MN727 St Martin for an indoor cricket school with associated health and fitness facilities. Amend the Proposals Map to reflect this change.**

6.16 Member amendment (MA47) seeking to remove Proposal 25, St Helier Country Park Proposal from the Plan and the site of the proposed country park at Warwick Farm from Policy CI6 - Provision and enhancement of open space, from the Plan is not supported by the Minister (SR17). The amendment is sought on the grounds of a conflict with Policy ERE1 – Protection of agricultural land, and because the site (Warwick Farm) is now occupied by a new, innovative and successful business. It is also argued that the site is not needed for a country park given the accessible countryside in the nearby Vallée des Vaux. A contrasting view is expressed by another Member, who is disappointed that a 2011 decision to provide a country park to the north of the town has not been implemented. This Member seeks amendments (MA31) to the proposal to include reference to the expiry of the present lease, the establishment of a project board to deliver the country park proposal within the Plan time frame, and for the country park proposal to reflect the opportunities previously identified to incorporate adjacent areas of countryside into the park.

6.17 The Minister is prepared to accept the last point but notes that it is necessary for account to be taken of the terms of the existing lease, including the break clause, which has to be served before the DBIP is scheduled to be adopted. It is considered that the approach taken by the Minister reflects the realities of how long it may take to resolve the financial and legal considerations that are relevant to the present occupation of the Warwick Farm site. It is also considered that the decision to retain the proposal is correct, given the long-standing commitment to a country park in this part of the island. For this reason the Member amendment (MA47) that seeks to remove Proposal 25 and reference to Warwick Farm in Policy CI6 is not supported.

**Recommendation 39: In Proposal 25, St Helier Country Park, add a third paragraph, "The development of the country park will reflect an investigation and report by the Council of Ministers on opportunities to incorporate adjacent areas of countryside into the park in the future, in line with the map attached to, and supporting Paragraph 7 of Amendment 38 (as adopted by the States Assembly on 21 June 2011) to the previous Island Plan."**

6.18 MA33 seeks to have field J371 La Rue Gombrette, St John added to the list of safeguarded sites in Policy CI6. There is strong local support for this amendment. The amendment also wants the words "or enhanced" added to the policy. The Minister rejects this request on the grounds that it is unnecessary as the land is already designated as Protected Open Space and before it could be used as public open space, the benefit of such a use would need to be tested against agricultural land considerations (see SR16). We regard the Minister's argument as sound. As regards the "or enhanced" point, the policy already covers this point in the title and in paragraphs 1 and 5.

6.19 In relation to Policy CI7 - Protected open space, the Connétable of St Ouen proposes an amendment (MA11) to exclude the field O630 from the Protected Open Space designation. The parish wishes to consider the option of using the land for housing for elderly parishioners and does not believe that St Ouen lacks open space, particularly in the light of the access the residents have to open countryside and the coast. The Minister rejects this and points out that the centre of St Ouen's village has relatively little open space in comparison with most other rural parish centres (see SR18). The Minister also considers that the area is too small to make a worthwhile contribution to the provision of additional homes and notes that in St Ouen's village, the DBIP allocates two other housing sites capable of accommodating 30 – 45 homes. Representations received show that the Protected Open Space designation has attracted widespread support. We consider that the Minister makes a sound case for the retention of the designation of the land as Protected Open Space.

6.20 There is a representation from the Ports of Jersey asking for the Steam Clock site in St Helier to be excluded from the Protected Open Space designation, so that it can be considered for a mixed development including residential, visitor accommodation, retail and other town centre uses. We agree with the Minister that this is an important open space in its own right and provides a setting for the historic harbour.

6.21 The Minister (SR19) supports an amendment (MA15) sought by Deputy Truscott of St Brelade to include Corbière Walk as Protected Open Space under the terms of Policy CI7. This is a sensible amendment as the walk is already treated as a park in the Policing of Parks (Jersey) Regulations 2005.

**Recommendation 40: Revise the Proposals Map in accordance with the plan in SR19.**

6.22 As regards Policy CI8 – Space for children and play, suggested Member amendments in MA03 and MA05 seek to strengthen the policy and are largely supported by the Minister in the case of the MA03 amendments and fully in the case of the MA05 amendments (see SR20). An amendment to require the development of both a play strategy for the island and SPG regarding the provision of play space is agreed by the Minister. The same applies to wording amendments that introduce the notion of safe walking distances and access to nature. An amendment seeking to reduce the walking distance requirement to 5 minutes or 500m, as opposed to 10 minutes and 1,000m, is rejected by the Minister as is the related amendment that would require new play space

elsewhere in the event that the distance criteria cannot be met. It is considered that the Minister is correct in considering that a 10 minute and 1,000m criteria is more reasonable than the one suggested in the amendment (MA03). We also endorse the Minister's view of the advantages of the MA05 amendments.

#### **Recommendation 41: Add two new Proposals**

**"Development of a play strategy. The Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and the Minister for Children and Education to develop a play strategy for the island, with specific focus on play area provision in St Helier" and "Supplementary planning guidance for developers in relation to the provision of play space. The Minister for the Environment will develop and publish supplementary planning guidance in relation to the provision of play space."**

**Amend the first paragraph of Policy CI8 by adding "as well as helping children access and spend time in nature" following "social and imaginative". Add "safe" to after "10 minutes" in paragraphs 2 and 3.**

**Add a new fourth paragraph, "In the first instance developers should seek to include as much green or natural play space as possible. Play space could also be provided as outdoor play equipment, playscapes (landscaped design that incorporates play features), space for ball games and dedicated space that encourages safe bike riding, skateboarding and scootering. In some circumstances indoor communal space may form part of the space for play contribution, such as communal games rooms or youth facilities. Other types of space for play will be considered where the developer has undertaken appropriate consultation and there is clear evidence of community support."**

6.23 Under Policy CI9 – Countryside access and awareness, the Minister supports revised wording that provides a focus on encouraging, enabling and enhancing public access to Grands Vaux Reservoir and valley (PCR6), and to include a new area, Waterworks Valley, in this policy (see SR21). The suggested revised wording proposed by Deputy Morel (MA27), with the primary addition of Waterworks Valley within the ambit of the policy, is a more positive expression of the aims of the proposal.

**Recommendation 42: Revise the last paragraph of Policy CI9 by replacing the words that follow "Grands Vaux Reservoir" with "and Valley and Waterworks Valley have been identified on the Proposals Map as strategic countryside access sites and proposals that encourage, enable or enhance public access to the countryside here will be encouraged". Amend the Proposals Map Part A – Planning Zones - to reflect the policy, as set out in SR21.**

6.24 At the hearings, concern was expressed about the danger to biodiversity and nature interests of unfettered access to Grands Vaux Reservoir and Valley (Proposal 26, Access to Grands Vaux Reservoir and Valley). As the Minister pointed out, biodiversity/the natural environment and the control of access are

considerations that will be taken into account when the planning application by Jersey Water promoting greater access to the area is considered.

6.25 Unsurprisingly, a number of those making representations seek to have specific facilities or forms of development included in the DBIP. Examples include mains drains to St Ouen's Bay, more indoor play space for children, a Waterfront Art Gallery, more parking at beaches, additional facilities at existing sports centres, a dog walking park and many more. Worthy as these ideas may be, it is not possible for a plan such as the DBIP to include the many proposals being promoted. The important point is that the Plan should deal with the Government's priorities and provide a positive planning policy framework that will enable other proposals to be considered in an informed and proper way if, and when, they come forward. For example, the request for fields P789B, P898, and P789A to be designated as a sports and leisure enhancement area is not supported by the Minister, largely because of the agricultural and Green Zone status of the land. However, the Minister is prepared to designate the land as having sports and leisure potential in recognition of its proximity to Les Quennevais and existing sports facilities. We regard the Minister's approach (see SR13) as reasonable, as it reflects a positive approach to encouraging improved sport and leisure facilities.

**Recommendation 43: Amend Policy CI5 and the Proposals Map to identify land in the vicinity of fields P789B, P898 and P789A as a sports and leisure area of potential. In 5. After "Framework Area" insert "The development of sports and leisure uses may also be supported in the identified sports and leisure area of potential (St Peter) but only where the public benefit and contribution to the viability and success of local sports can be proven to outweigh any loss or harm to the landscape and agricultural land."**

6.26 In relation to utilities, Jersey Water feel that their interests have not been given sufficient weight in the integrated approach involving water, waste and minerals as recommended in the Infrastructure Capacity Study. However, Jersey Water accept that no material changes are needed to the DBIP and that their interests will be taken into account in the Water Resource Management Strategy, which is to be jointly developed with the Minister, as set out in Proposal 34 of the DBIP.

## **Section 7: Economy**

7.1 From the recently published 2021 Fiscal Policy Panel Report (November 2021), the economy of Jersey appears to be recovering well from the negative impact of an 8.7% drop in Gross Value Added (GVA) during 2020 resulting from the Covid-19 pandemic. Although there was a budget deficit of £83m in 2021, this is expected to have been cleared by 2024. However, different sectors of the island economy have been affected differently. From a development point of view, the retail economy is not expected to show significant change during the short Plan period of the DBIP. The on-island retail sector is facing several challenges, most noticeably from online retailing. The main retail centre of St



Helier shows some evidence of decline, through long-term vacancies of some larger shops and no major retail proposals being planned. The core retail area boundary has been reduced accordingly and the DBIP has introduced greater flexibility for other complementary uses in the wider town centre. In general, the retail policies of the Plan were supported and we recommend no changes.

7.2 Similarly, the office sector has also remained relatively static. The financial sector remains the dominant contributor to the island economy (with 40% of GVA and 25% of employment). Vacancy rates for offices of 7% in 2019 may remain for the time being, due in considerable part to increased homeworking, as experienced in many economies. There is a plentiful supply of floorspace and more may become available on the Waterfront development, which has led to a freeing up of secondary space in the town centre. In these circumstances, the policies of the Revised 2011 Island Plan have been carried forward unchanged into the DBIP, resulting in an appropriately supportive framework for local business.

7.3 There are, however, signs of unsatisfied demand for industrial and warehouse premises. While there appears to be no up-to-date formal survey, respondents quoted rent increases of about 25% for light industrial units/warehouses over the last year or so and reported shortages of both land and premises. At the time of the 2011 Island Plan, a need for allocations was recommended but not taken forward into the Plan itself. The Arup Employment Study 2020 also indicated that there may be a need for more land for light industry, due to the limited amount of existing floorspace and pressure from other competing uses, primarily residential. It was clear from visits to the main industrial area at La Collette that there is little space available for rent or purchase.

7.4 The Minister argues in SR56 that Policy EI1- Existing and new industrial sites and premises, protects existing employment sites and offers some flexibility by supporting the development of new premises within the built-up area. However, there are no new allocations and Policies ERE3 – Conservation and re-use of traditional farm buildings and ERE4 – Re-use of modern farm buildings, contain a number of conditions regarding the re-use of farm buildings. The JFU pointed out that larger and newer rural buildings are also required for modern agriculture. We saw that there are a considerable number of businesses in former agricultural buildings outside the urban areas, at rural locations which are neither the most sustainable nor desirable with regard to access arrangements.

7.5 A number of representations seeking rezoning for industry/warehousing, discussed below, may also be an indicator of need.

## **Bienvenue Farm**

7.6 This site lies in the Green Zone adjoining a Protected Industrial Site (PIS) (Thistlegrove), which contains a few businesses, adjoining La Grande Route de St Laurent about 1km south of St John's village. A Member amendment (MA38) seeks the inclusion of a variety of agricultural buildings, previously used as a chicken farm, to be included within the PIS. The additional area would relate

reasonably well to the employment site but would comprise a significant expansion of the designated area. As the Minister points out in SR56, the enlargement would result in a site of considerable size, remote from primary and secondary centres and with limited opportunities to encourage transport by sustainable modes. The enlargement of the PIS would not accord with the spatial strategy of the Plan to encourage development of strategic sites well related to key transport infrastructure and the urban centres. While we consider there is a need for further industrial sites, this is not an appropriate location for such consolidation. Any change of use of existing land and buildings could be considered in relation to plan policies for the Green Zone and other relevant policies of the Plan. MA38 and the proposed rezoning are not supported.

### **La Solitude Farm**

7.7 This site is a group of former farm buildings occupied by a variety of uses, including car sales and repairs and commercial catering. At present, the site lies within the Green Zone but is proposed to be included in the expanded CNP (discussed in this report in Section 4: Natural Environment). The small complex is served by narrow country lanes totally unsuited to commercial, industrial or heavy traffic. It is relatively remote from the urban area of St Helier and designation as a PIS would not accord with the spatial strategy of the Plan. In this case it is even less readily accessible by sustainable means of transport than Bienvenue Farm. Any proposals for further development would have to be considered against the other policies of the Plan, including Policy EI1, which offers support for continued use of existing industrial/warehouse premises but not necessarily expansion. If the site is included within the CNP, development which improves the landscape would be supported but any intensification of uses here would be inappropriate. The site is not recommended for rezoning.

### **Rondel Farm**

7.8 Rondel Farm comprises a collection of former agricultural buildings located in the Green Zone about 1km south of Sion. The site is accessed from a relatively narrow country lane (La Rue du Haut de L'Orme). Although some improvements have been carried out at the junction with La Grande Route de St Jean, the access would not be suitable to support any significant intensification of industrial and commercial uses at the site, which has limited opportunities to encourage sustainable modes of transport. As the Minister points out in SR56, policy EI1 does offer some support to existing businesses outside the built-up area, where they make use of existing buildings or support rural diversification. This affords some flexibility, enabling the continued operation of existing uses. The proposed rezoning for light industry and/or warehousing is not recommended.

### **Field S380**

7.9 This site adjoins an existing industrial estate on the edge of the urban area at Five Oaks, St Saviour. The pasture field does not have any particular agricultural value. There are fields and an agricultural holding to the north west and north east, so it does not perform any role as a landscape buffer but

development would in effect be a rounding off of the built form here. There is no ecological designation and existing hedgerows above the banks along the south west and north west boundaries could be retained to preserve any vegetation and fauna. The site is not suitable for housing, as access would have to be obtained through the existing industrial and warehousing estate, rather than the adjoining lanes, which would cause an adverse visual impact on the landscape. The site lies close to a primary route and bus service, and development would accord with the spatial strategy. An extension to the existing estate would not be a significant incursion into the Green Zone and would provide needed employment premises.

**Recommendation 44: Amend Policy EI1 to add "9. Field S380, St Saviour" as a protected industrial site, and amend the Proposals Map accordingly.**

### **Fields B26 and B27**

7.10 This site is one grass field just to the south of the airport with good access to the primary route of La Route des Quennevais. We cannot agree with the Minister in SR56 about its importance as a buffer between the airport and Les Quennevais, as a gap does not exist on the opposite (east) side of the road. An open buffer to the start of development approaching Les Quennevais would be retained by the adjoining playing fields and the partly open grounds of the secondary school itself. In our view its landscape, agricultural and ecological value are all very limited. The site is in a very good location for commercial or industrial development. Based on the profile of the existing safety zones for hazardous installations, there appears to be no overriding health and safety concern with regard to its proximity to the airport and some fuel storage tanks close to the southern boundary of the airport; in this respect it is no different in context from a number of sites at La Collette. Given the shortage of land for high quality light industrial or warehouse premises, it might not be best used as a vehicle testing station, as suggested by Ports of Jersey in their representation, (but not at the hearing). Given evidence of ongoing/current need for land for modern industrial/warehouse premises, we recommend that the site be allocated for industry and/or warehousing.

**Recommendation 45: Amend Policy EI1 to add "10. Fields B.26 and B.27, St Brelade" as a protected industrial site, and amend the Proposals Map accordingly.**

### **Tourist Economy and Policy EV1**

7.11 The Jersey tourism business has experienced considerable change over recent decades. The Arup Employment Report indicated a 50% loss of tourist bed-spaces in the 22 years to 2014. Latest government figures show a reduction in tourist premises from 387 in 1992 to 120 in 2021, with a corresponding loss of bed-spaces from 22,270 to 9,500. During 2021, there had been inquiries about the potential change of use of buildings which could result in the loss of a further 2,000 bed-spaces. There is much evidence of the loss of older, small hotels and bed and breakfast houses, as a result of reduced demand

for family-orientated seaside holidays. On the other hand, there is a continuing need for business trip accommodation and a move to encourage more 'up market' shorter breaks, together with changing patterns such as the increased use of dwellings for Airbnb. As a result, there appears to be a mismatch between the supply of and demand for accommodation.

7.12 In this context, Policy EV1 - Visitor accommodation, seeks to support the provision of visitor accommodation in the built-up area and, particularly, five identified tourist destination areas. However, following representations expressing widespread concern about the loss of tourist accommodation and supporting facilities, the Minister proposed an amendment to the policy (in SR59). This sought to prevent changes of use away from visitor accommodation in tourist destination areas (defined with just a star symbol on the Proposals Map) or outside the built-up area and introduced four new planning criteria. Several objectors, including Visit Jersey and the Minister for Economic Development, Tourism, Sport and Culture argued that these would be far too restrictive and counter-productive in terms of supporting hotel businesses. The revised policy was likened to a previous 'Prime Site' policy of the 1990s, which had stifled investment and proved unsuccessful. Subsequently, a smaller stock of more modern accommodation better suited to meet current needs and with higher rates of occupancy has been developed.

7.13 The first criterion of the revised policy, requiring evidence that refurbishment of premises is not technically possible, could probably be met in nearly all instances. However, there is no mention of the cost of such works, which evidence from a number of parties indicated could well make such improvements unviable. Similarly, the need to demonstrate a lack of market demand for such premises could take a lengthy period to fulfil, during which businesses would suffer continued opportunity or real unrecoverable costs. Much depends on the realism of sale prices, which would be the matter of some subjectivity and debate. These factors could deter investment in the businesses, and impinge on the ability of the hotel business to obtain bank lending for improvements, since there would be little security against loans through the prospect of sale for residential conversion if the business failed. The other tests of the policy, requiring no unacceptable adverse effect on the tourist area and that the overall benefit to the community from the scheme should outweigh any harm, could also be subjective in interpretation and monitoring.

7.14 As originally proposed, the policy gives support to hotels wherever located and allows for some extension or alteration of rural hotels, as supported by the industry. There is no evidence that any one tourist area has suffered more than others and it would not be appropriate to remove any particular tourist area, such as St Brelade's Bay, from the policy. It may be that a more location specific policy might be appropriate if supported by evidence prepared for the St Brelade's Bay Improvement Plan, as set out in Proposal 17, which the Minister, in SR60, has agreed to complete by December 2023, as requested in MA19 (but not May 2022 – MA19A). Overall, we consider the revised policy as suggested in SR59 is unlikely to achieve the broader objective of supporting the tourist industry and would create significant difficulties regarding implementation in terms of devising suitable tests and monitoring. A means or viability test is

unlikely to be effective and could well prove to be counter-productive to the aim of supporting a vibrant tourist economy. We recommend the policy remains as drafted in the DBIP.

**Recommendation 46: In Proposal 17, St Brelade’s Bay Improvement Plan, insert “by December 2023” after St Brelade’s Bay.**

## **Other Matters**

### **Aquaculture**

7.15 A Member amendment (MA37) concerning a change to Policy ERE8 – Fishing and aquaculture, has been accepted by the Minister in SR58, with which we concur.

**Recommendation 47: At the end of text in Policy ERE8, delete “not be supported” and replace with, “only be supported where:**

- **It is required to meet a proven need, which cannot be met elsewhere**
- **It would not harm marine biodiversity value.”**

### **Rural buildings**

7.16 A Member amendment (MA28) requesting an additional clause to Policy ERE3 is unnecessary as the objective of the proposed change regarding retaining agricultural uses would already be achieved by two other policies (Policies ERE1 and Policy H8), and the Minister’s position as set out in SR57 is supported.

### **ER4 - Daytime and evening economy uses**

7.17 A Member amendment (MA57) seeks changes to Policy ER4 to include additional requirements for market demand testing and functional suitability tests regarding changes of use from daytime and evening uses. We agree with the Minister (see SR51) that such requirements would be unduly onerous in the context of the DBIP and preclude visitor accommodation.

7.18 There is a representation that seeks to have the Les Ormes Golf and Leisure Village designated as a Tourism Destination Area, which would allow it to enjoy the flexibility contained in Policy ER4. It is noted that the designated Tourism Destination Areas are entirely different types of area providing a variety of tourism attractions for a wide range of tourists. Les Ormes is not in the same category and it would not be appropriate to include it as a Tourism Destination Area.

## Section 8: General Development Policies and Other Matters

8.1 There are a number of issues to address in relation to the General Development Policies and associated matters arising.

### GD1 - Managing the health and wellbeing impact of new development

8.2 Deputy Gardiner's suggested amendment (MA23) to include reference to those with disabilities has been accepted by the Minister (see SR05).

**Recommendation 48: Insert in Policy GD1, "2. it has regard to, and seeks to avoid or mitigate, the impact of the development on the needs of people with disabilities." Renumber existing 2. as 3.**

### GD3 - Planning obligation agreements

8.3 A Member amendment (MA46) concerning a minor additional wording to Policy GD3 concerning planning obligation agreements has been accepted by the Minister (see SR04).

**Recommendation 49: In Policy GD3 after the words "restoration of land" insert "including infrastructure".**

### GD5 – Demolition and replacement of buildings

8.4 The policy concerning demolition, to seek the re-use of existing buildings and resources in the first instance, would appear to meet the sustainability objectives of the DBIP. The first baseline requirement is to retain a building before considering other factors. However, there were several objections that the requirements of the policy would place an unduly onerous burden on developers to produce significant amounts of data regarding development costs and a comparative analysis of the carbon footprint of new building or refurbishment. The Minister argued that advances in technology made it easier to calculate embodied carbon in existing buildings and, in a fast-developing scientific field, a number of online tools are available to meet the policy.

8.5 As the Minister acknowledged, this is a complicated issue, with many factors involved. In some instances there could be greater energy and carbon savings in allowing demolition and rebuilding with modern, energy efficient design and materials. Initially, delivery and implementation would face significant challenges but guidance in a developing field is emerging rapidly. The objectives of the policy are widely supported and there was an accepted need to start addressing the important issue of carbon reduction immediately, in accordance with overarching government policy and international agreement. We recommend no change therefore.

8.6 Part of a raft of Member amendments from the Connétable of St Brelade (MA53 and MA54) seeks exceptions to the policy for proposals within the

shoreline zone of St Brelade. We agree with the Minister that there is no evidence to suggest why development there should be exempt from a policy that is seeking to address a fundamental issue affecting all buildings across the island (see SR51).

## GD6 – Design quality

8.7 Deputy Gardiner’s suggested amendment (MA22) to include reference to those with disabilities has been accepted by the Minister (see SR05).

**Recommendation 50: Add to Policy GD6 after “design”, “having regard to the needs of those with disabilities”.**

## GD7 - Tall buildings

8.8 Policy GD7 relates to tall buildings and would allow for buildings up to 8 storeys high in certain areas, or above by exception. This compares with the current 2014 Island Plan recommended limit of 5 storeys, which MA48 seeks to retain across the island. Some support for the proposed policy is contained in the St Helier Urban Character Appraisal with regard to buildings in Town. It is clear that in some areas, such as the Waterfront and the Esplanade, buildings of roughly 6 to 8 storeys are the norm. Some residential blocks elsewhere dating back to the 1960s and 1970s are even higher.

8.9 It is important to note that the policy contains a number of significant safeguards, which would avert some of the potentially adverse consequences of high buildings feared by some objectors. Tall buildings are defined as being no more than two storeys above the prevailing contextual height or over 18m. The policy contains other criteria, including critically, a requirement to relate well to surrounding buildings and a height appropriate to the locality in which it is to be set. Within different parts of St Helier, development should respect the height guidance for the relevant sub-area. The Minister has responded to MA48 and representations relating to tall buildings in SR07.

8.10 In response to the argument that the St Brelade’s Bay Character Appraisal has been ignored, the Minister pointed out that GD7 with its safeguards was appropriate for all parts of the island, including St Brelade’s Bay. A Member amendment (MA53(d)) suggests including a restriction of any new building in parts of St Brelade’s Bay. We agree with the Minister that it is inappropriate to make special provisions in general policies for specific detailed criteria at locations such as St Brelade (see SR51). When the Improvement Plan for the Bay is prepared, more detailed guidance about building heights could be incorporated, if justified. On balance, we think the criteria in the policy are adequate to protect the built environment across the island and would not create a blanket carte blanche to develop high buildings as feared by some. The policy accords with the general strategy of the DBIP to concentrate development in the urban areas and make the best use of brownfield land. While mindful of some of the problems buildings higher than four to five storeys can create, we consider that the policy is reasonable and is recommended for adoption as drafted.

## GD8 - Green backdrop zone

8.11 A Member amendment (MA54(a)) seeks the shoreline extension zone at St Brelade's Bay to be included within its own Backdrop Zone with additional restrictions. We agree with the Minister that the suggestion is unnecessary, inappropriate and unjustified, for the reasons given in SR51: the proposed shoreline extension zone is already in the Green Backdrop Zone; the proposed additional restrictions are an unduly onerous restriction on private householders in the built-up area; and it is unreasonable to preclude development on the basis of its potential to contribute to tourism in an area of mixed uses, which include residential. MA58(b) seeks to include within the Green Backdrop Zone to that part of the built-up area above Quaisné, which the Minister is minded to accept and with which we agree.

**Recommendation 51: Extend the Green Backdrop Zone to the built-up area above Ouaisné, as shown in SR51. Amend the Proposals Map accordingly.**

## GD9 - Skyline, views and vistas

8.12 Member amendment (MA58(a)) from the Connétable of St Brelade seeks to provide much more detail about skyline and strategic views in St Brelade's Bay. The suggested detailed amendments are unnecessary as the policy gives sufficient detail on the type of views to be protected. More detail would be better provided in the St Brelade's Bay Improvement Plan in due course as resources allow. However, the Minister has agreed to retain provisions in the Revised 2011 Island Plan about redevelopment of buildings in the shoreline zone of St Brelade's Bay (see SR51) and has suggested a reasonable amendment to Policy GD9 to provide some safeguards pending the production of the St Brelade's Bay Improvement Plan.

**Recommendation 52: Add to Policy GD9, "Within the shoreline zone of St Brelade's Bay, the redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of any gross floorspace, building footprint or visual impact than the building being replaced will not be supported."**

## GD10 - Percent for art

8.13 A Member amendment (MA59) seeks additional requirements concerning verification of the valuation process to be added to the SPG to be developed for implementing this policy. We agree with the Minister (as set out in SR06) and consider that this is an unnecessarily detailed approach that is not appropriate for inclusion in the DBIP.



## Section 9: Minerals, Waste and Water

### La Gigoulande Quarry

9.1 One of the most contentious elements of the DBIP is the proposal to safeguard an area of land for the future extension of La Gigoulande Quarry, located in the Green Zone about 1km south of St Mary's village. In addition to more than 200 objections from islanders and visitors, a Member amendment (MA20) seeks to remove the safeguarding notation from the Plan on field MY966. The site, operated by Granite Products Ltd, is one of two granite quarries on the island, the other being Ronez quarry on the north coast. There are three operations at La Gigoulande: producing crushed aggregates in different grades; using crushed rock with some imported cement to make concrete; and making concrete blocks.

9.2 Demand for minerals in Jersey has been assessed in the recent Minerals, Waste and Water Study (Arup, December 2020). The overarching policy position contained in the DBIP is that, where possible, the island should source as much of its mineral requirement as possible in the island, to reduce imports, which generally tend to have higher costs and carbon tariffs. Based on the population growth assumptions of 800 persons per annum (pa) contained in the DBIP, Arup estimated that there would be a baseline requirement for about 500,000 tonnes (t) of aggregates, a slight increase of 15,000 t more than recent average annual output. Aggregate producers, including one of the local recycling operators, did not dispute this figure, which is consistent with recent development activity.

9.3 Bearing in mind our conclusions about population and housing growth above, this seems a reasonable assumption, especially given that the DBIP envisages a step change in housing growth over the 5-year period from 2021. While there is presently considerable uncertainty about future growth, the latest evidence from the Jersey's Fiscal Planning Policy Report (November 2021) indicates that the economic recovery from the Covid-19 pandemic is underway.

9.4 The principle of providing for a rolling ten-year supply of minerals in Jersey was first established in the 2002 Island Plan; this reflects the policy approach that is taken in England in the National Planning Policy Framework, albeit this does not apply in Jersey. Projecting demand into the future, based on the low population growth scenario of 800 pa, gives a requirement for 540,000 t of aggregates pa in 2031. At present, about 40% of the aggregates are sourced from products recycled in Jersey, leaving about 260,000 t pa to be expected from local crushed rock (Arup Fig. 29). 65,000 t pa of local sand and gravel are expected from the Simon Sand and Gravel quarry, which is discussed below. There was some discussion about future demands for aggregates in the construction industry, bearing in mind the need to reduce carbon emissions by using more sustainable methods and materials, rather than blocks and concrete. At present, however, there is no evidence that a major shift will take place in the near future, nor that the carbon footprint resulting from the importation of other materials such as timber, would be substantially less.

9.5 Looking at the potential on-island supply of crushed rock, an independent geometric survey of the available reserves with planning permission at La Gigoulande in February 2019 showed about 900,000 t. This was a considerably lower amount than estimates contained in the earlier Island Plans, which were not accurate. Given that extraction has occurred over nearly three years since, it seems reasonable to estimate that 600,000 t or so remain. If production at La Gigoulande was limited to the existing permission, at current extraction rates supply there would run out in about 6 or 7 years. Quantifying the useable rock under the proposed expansion site is not an exact science but Granite Products' consultant estimated there could be about 3 million (m) tonnes available.

9.6 Ronez Limited gave evidence that there was a total of about 6.4 m t potentially available at their site. This was broken down into about 2.5 m t of approved reserves, taking into account a recent planning permission granted in July 2021, plus 1.43 m t of reserves and 2.4 m t of constrained reserves. This indicates that Ronez quarry alone might contain enough rock to meet the island's needs for many years. However, the key point concerns the rate of annual production; this would be a maximum of about 150,000 t pa, which is well below the 260,000 t pa required at current forecasts.

9.7 There is some qualitative difference in the type of rock extracted at both sites, through both appearance and the physical nature of the material. Granite Products' material is less alkali/silica reactive, which produces a different type of concrete which lasts longer. The provision of aggregates from both sites would ensure a balance of different types of aggregates for different uses. There appears to be scope to increase production of recycled materials, which should be pursued to help meet carbon reduction objectives, but these have some limitations and cannot be used for structural concrete.

9.8 The longer-term alternative to providing more material at La Gigoulande Quarry would be to increase imports. The evidence at the hearing indicated that in all likelihood imported aggregate would cost almost double (about 90%) more than material quarried on-island, through additional transport costs, port handling costs and duties. This certainly seems to be the experience with regard to sand imports since the suspension of sand production at Simon Sand and Gravel. A report by Aether (2020) for the States of Guernsey estimated that the carbon footprint of material quarried on island was 5ktCO<sub>2</sub>e per t compared with a figure of 23.6ktCO<sub>2</sub>e per t of imported material.

9.9 Ports of Jersey stated that the port can cope with the loss of 60,000 t of sand pa produced on-island if that needed to be imported in bulk bags, and the unexpected cessation of quarrying at Simon Sand in 2021 has already resulted in the importation of sand to meet local needs. Further improvements would enable up to 100,000 t of minerals to be imported. It would not be economic to provide infrastructure for bulk importation up to 260,000 t pa. In the medium-term, the carbon footprint of importation might be reduced through use of a different power source for shipping but for the present the use of material from the island is likely to be a more sustainable option. Importing more material from France, with reduced shipping distances, may be possible but there is no firm evidence about such a significant supply change at present. It should be

noted that more imports would be detrimental to the port environment and create more traffic in St Helier, which would affect residential and commercial amenity.

9.10 Some objectors posed what seemed a reasonable question about the need to safeguard the potential expansion site now, given the short Plan period of the DBIP. Granite Products explained that if the field to the south were to be worked successfully, access in the first instance would have to be obtained from a new haul road rising up along the eastern boundary of the current workings. This would enable the overburden in the field to be removed so the new area could be worked from the top down. Removed material would be used to fill in the area along the southern edge of the existing quarry. If a decision about expansion were to be delayed, current extraction of the remaining permitted reserves along the eastern side of the quarry would have to cease in the near future.

9.11 There may be some other reserves at La Gigoulande for which there is no permission but it is believed that it would not be possible to extract any significant amount because the material would be under the existing mineral processing plant. There is an outstanding planning permission for a waste recycling plant and inert waste landfill at La Gigoulande, in the central southern part of the site. This is intended to become the replacement for the existing plant and landfill operation at La Collette, once this has reached its capacity. This might constrain using other reserves but would not affect workings in the proposed expansion area. The potential use of the existing quarry as a water reservoir has been discounted, as other solutions to meet this need are available, in a potentially more cost-effective manner.

9.12 The need for minerals from an expanded quarry at La Gigoulande has to be balanced with potential environmental impacts. The rate of extraction would remain the same and therefore traffic levels resulting from minerals derived from the site would remain roughly the same, albeit over a longer period. The enlarged site would make it easier for dual use as an inert waste transfer station, which would generate some more traffic, but this has already been approved, with associated pedestrian and cyclist-related improvements already implemented in St. Peter's Valley, and would be considered a complementary use. In any event, the access to the site is from a primary route and has good sightlines. The extension site is not valuable agricultural land. It was confirmed that the enlarged quarry would require the closure of a section of La Rue Bechervaise, which would be re-routed along the southern boundary of the expanded site. Some mature trees along the southern boundary of the quarry would be lost but substantial new planting could be required along the re-routed lane adjoining the new southern boundary. There would be no unacceptable ecological impacts.

9.13 With regard to the impact of quarrying on residential amenity, the nearest properties are about 115m or so to the west. There is some noise from blasting at present, experienced as a dull thud during a site visit, at the nearest point to the blasting area about 150m away on a public highway, La Chève Rue. There was no sign of dust but rather more noise from falling rock. However, this is

experienced once, possibly twice, a week for a few seconds. The blast was accompanied by a slight vibration under the road surface. The nearest homes to the west would be further away from the new operations at the extended site. Some properties to the south would be a similar distance from the new operations as are the houses on La Chève Rue from present operations. While we can appreciate residents' real concerns about increased disturbance, we believe that extending the quarry further south would not create an unacceptable level of disturbance, given the distances involved, including the main access point, and the frequency of blasting.

9.14 The operator of a long-established hotel, Greenhills, located about 250m to the south of the proposed extension, expressed grave concerns about the impact on business if potential visitors saw that a quarry was located closer to the hotel than at present. We appreciate there may be potential marketing problems but the affect on visitor numbers is difficult to predict with certainty, especially if the quarry continues to extract materials in accordance with normal reasonable conditions about methods of operation. The relationship of the uses is not ideal, but we do not believe that it would be so severe a problem as to preclude the principle of safeguarding the site. Much more detailed work would be required at EIA stage to maximise appropriate mitigation of these potential impacts.

9.15 In conclusion, it appears that continued production of aggregates at La Gigoulande Quarry is required to meet estimated needs for the next ten years or more. In the longer term, different construction methods with a reduced carbon footprint may well offer the opportunity to reduce on-island quarrying. However, if the planned housing and other development requirements are to be met, traditional building using crushed aggregates, concrete and block will be needed. The alternative of much higher levels of imports has higher financial and quite possibly carbon tariff costs. There are clearly some environmental costs associated with quarry expansion which should not be dismissed lightly. These include bringing noise, vibration and dust closer to some residential properties and Greenhills Hotel, the loss of some trees and a less direct routeing of La Rue Bechervaise. However, we concur with the Minister's view set out in SR62 that there is nothing of such weight as to preclude the expansion of the quarry in principle. We concur with the recommendation in the Arup report that the future use of the La Gigoulande Quarry as an integrated minerals and waste asset (including extension of extraction into field MY966) rather than a water reservoir, better meets the island's needs. We support the safeguarding allocation on the DBIP.

## **Simon Sand and Gravel**

9.16 This site lies at the western end of the airport runway. Sand has been taken from the area of former dunes for over 100 years. Most of the permitted reserves of sand have been extracted. Although some remains, at the hearing it became apparent that production has ceased. Other reserves, which amount to about 600,000 t in December 2020 (Arup), are available within the current site and on land in the ownership of Simon Sand and Gravel but the Minister considers that further extraction is not justified on environmental grounds, due

to the location of the site within the CNP and an expectation that the extraction site be restored.

9.17 However, this position is not consistent with arguments employed with regard to La Gigoulande Quarry about the need to reduce mineral imports on sustainability grounds. About half the previous annual output of about 60,000 t of sand was sold to the two granite quarry operators (Granite Products and Ronez) for concrete and block production. The Arup report and other industry participants at the hearing argued that continued extraction would benefit the island economy by reducing costs. While the alternative use of recycled aggregates, which has potential to increase, would help to overcome some loss of sand supply, it would not be a proper substitute for some uses, including the production of concrete. Sand to meet the needs of local builders could be imported in bulk bags, but at significantly higher cost.

9.18 Concern about the water table in the vicinity of the site was not raised as an objection by Jersey Water. It appears that previous contamination of the water table near the site was caused by the use of chemicals in fire drills carried out at the end of the airport runway, close by the site to the east.

9.19 The National Trust for Jersey raised concerns about the need to protect remaining sand dunes in the CNP. However, the land remaining to be worked at present has little scenic value, contains significant overburden from earlier workings and is covered largely in brambles. It is a small area in the context of the existing quarry and is even less significant in the wider expanse of the landscape at St Ouen's Bay. It is an obvious part of the quarry and is not an untouched virgin dune landscape. We consider the Minister should review this decision to enable remaining sand reserves to be removed over the next decade, as a more sustainable option than importation of sand from now on, even if reserves within the existing site might only last 10 years.

**Recommendation 53: That the Minister reconsiders his position, as set out in SR63, not to support further extraction of existing reserves within the existing area of Simon Sand and Gravel.**

## **Section 10: Travel and Transport**

10.1 A Sustainable Transport Policy (STP) was agreed by the States Assembly in 2020 with the aim of developing an entirely sustainable transport strategy by 2030. The STP therefore forms the context for the transport policies in the DBIP. Key proposals in the STP framework include locating development where less travel would be required, focusing development in places easily reached by sustainable transport modes, and investing in infrastructure that supports sustainable travel. In addition to the framework of principal aims, the STP includes a Short-Term Delivery Plan 2020 that details a series of new plans that would sit under the broader strategic framework. The stated intention was for these studies to be developed and published in a staged way throughout 2020 to inform the Island Plan (in this instance the proposed ten-year Island Plan 2020–2030). The proposed studies are an Active Travel Plan, a Bus Service

Development Plan, a Parking Plan and a Long-Term Climate Action Plan. These studies have been delayed by the Covid-19 pandemic and are now being progressed.

10.2 In accordance with the STP, the policies in the DBIP are essentially based on promoting safe and sustainable forms of transport. This section of the DBIP consists very largely of proposals and policy statements promoting sustainable forms of travel, particularly cycling, walking and public transport. Unsurprisingly, few of the representations argue against these proposals/policies, although some believe that they are unrealistic because it is argued that Jersey residents are unlikely to be willing to give up the use of private cars to any material extent. Many of the representations say that the DBIP does not go far enough, while others refer to the need for a more comprehensive bus service that links the various communities more effectively and/or is cheaper to use. There are representations that consider that the DBIP does not go far enough to promote the use of electric vehicles and cycles. The issue of parking is divisive – some believing that additional parking is required to, for example, support tourism and to help maintain the vitality of the Town. Others consider that the DBIP does not go far enough to discourage the use of the car by restricting parking further.

10.3 A number of the representations raise issues that are not directly relevant to the DBIP. Examples include the need for subsidised bus fares/improved bus service and on-street parking regulations. As the response from the Minister (SR61) points out, these are matters for the Island's Operational Transport Policy. Others are matters that would run counter to the Government's STP and hence cannot be included in the DBIP that must follow the STP approach. Proposals that would undermine the drive towards achieving less travel by private car and more walking, cycling and use of public transport would not be supported under the terms of the DBIP policies. The DBIP includes provision for travel plans and transport assessments intended to ensure that larger developments as defined in the DBIP further the aims of the STP.

10.4 There are representations that seek changes to the Plan that are unnecessary because the policies already deal with the points. For example, the preamble to Policy TT5 – Port operations, specifically states that support will be given for other forms of development at the Port of St Helier, provided that the operational areas/port operations are safeguarded.

10.5 Deputy Gardiner has put forward an amendment (MA21) that seeks a disability inclusion in the active travel section. For obvious and acceptable reasons, the Minister is minded to support the amendment and he has also proposed some additional changes of his own, as set out in SR42. We support these changes.

**Recommendation 54: Under the heading Jersey mobility hierarchy (page 251), add a new second sentence to the first paragraph, "Access to travel and transport is also affected by other forms of disability and not just those that are related to mobility and sensory impairment". In the second paragraph after the words "users of the development" add "including those people with all forms of disability".**

**In Policy TT1 in 2.a. add “and other forms of disability” after the words mobility impairments.**

**In the section entitled Active Travel (page 149), in the first paragraph add the words “including people with disabilities” at the end of the last sentence.**

**In Proposal 27, Active travel network, add “including the Disability Inclusion Group” after the words “relevant parish(es); stakeholders,”.**

10.6 The Department for Infrastructure, Housing, and Environment: Operations and Transport has requested several changes to the wording of some of the policies. We consider that the changes are understandable but not essential, as the wording in the DBIP essentially reflects what is being sought and hence no changes to the DBIP are recommended

10.7 The Connétable of St Helier put forward amendments (MA42) to the Proposal 29, Sustainable transport zones, and to Policy TT4 – Provision of off-street parking, which seek to strengthen the travel and transport section of the DBIP. In particular, the Connétable is seeking to improve the parking situation for the occupiers of residential properties in Town. We agree with the Minister’s position, as set out in SR61 that the amendment suggested for the Sustainable transport zones proposal is not required. The Minister accepts that the current standards and SPG for parking are out of date and work is now being done to update these in conjunction with the parking plan, which is a rapid-plan work stream in the STP. Similarly, the amendment to Policy TT4 that seeks to allow additional off-street parking in Town for residents and shoppers is a matter that should be dealt with in a comprehensive way in the parking plan work stream. We agree with the Minister that changes to TT4 are needed to address the issue of parking in front gardens, which can have a seriously detrimental impact on the appearance of an area (see PCR6).

**Recommendation 55: Substitute “motor vehicle” for “car” in the third line of Policy TT4. Add a new paragraph 4 to Policy TT4, “Development involving the loss of front gardens and their boundary features to provide parking with direct access to/from the highway will not be supported where this would harm the character and appearance of the street scene or compromise highway safety.”**

## **Section 11: Managing Emissions**

11.1 The DBIP contains 7 policies that are specifically intended to provide a framework to reduce emissions arising from development activity. This part of the DBIP is thus critical to the Government’s Carbon Neutral Strategy and Strategic Policy SP1. As the States’ Carbon Neutral Roadmap is not yet in place, the DBIP attempts to take a proportionate approach to setting higher standards applicable to the development process. The Minister acknowledges that the Jersey building bye-laws will need to be reviewed. Some of the representations

reflect a concern about the cost implications of higher standards and the possible difficulties in administering a revised approach

11.2 In Policy ME1 – 20% reduction in the target energy rate for large-scale developments, such developments are defined to be within the built-up area involving more than 200 sq m (non-residential development) or residential developments of 5 houses or more. Some consider that this is a challenging target, while others consider that it does not aim high enough. While we understand that the intention is to take a proportionate approach, we note that in SR52 the Minister says that a 20% reduction is readily achievable by developers and unlikely to present any major challenge to delivery. Taking the Ministerial view, there is no reason why the standard should not be applied to all development.

**Recommendation 56: Remove “for large-scale” from the heading to Policy ME1 and substitute “new development”. Amend Policy ME1 to exclude the words “in the built-up area for non-residential development with a gross floorspace of 200 sq m or more; or residential developments of five or more homes”.**

11.3 Jersey Electricity considers that it is more important to have a carbon emissions target rather than an energy reduction target. We have no doubt that reducing carbon emissions is a critical consideration. This is a point made forcefully by a number of those making representations. These representations frequently refer to the need to employ building methods and materials, particularly timber rather than concrete, that reduce carbon emissions. It is clear to us that the Minister is alert to the issue. This is reflected in Strategic Policy SP1, the Carbon Neutral Strategy agreed by the States Assembly and the work now being done on a Carbon Neutral Roadmap. We consider that the DBIP goes as far as it reasonably can at this stage but that the matter will need to be dealt with in much greater depth when the next Island Plan is produced.

11.4 Policy ME2 requires Passivhaus standards for all affordable homes. Outside the built-up area, new open market homes and major development would also be required to meet Passivhaus or EnerPhit standards in the case of retrofitting an existing building, except where it is a listed building. The policy includes provision for the requirements to be waived on viability grounds in certain circumstances. The Association of Jersey Architects says that this policy will make affordable housing unviable and quotes cost increases of 3% for apartments and up to 8% for houses. The architects want grants and subsidies to cover the increased costs.

11.5 The justification in the DBIP for applying the policy to all affordable housing, but not to open market housing within the built-up area, is to help avoid fuel poverty for the occupiers of affordable homes. While we follow the fuel poverty point we do not understand why open market housing in the built-up area should be exempt from the requirement. Fuel poverty may not be a consideration for the occupiers of most new open market homes but that does not mean that there are not sound environmental reasons why open market homes should not meet the Passivhaus standard. The approach favoured in



Policy ME2 is at odds with the declared aim of the DBIP to reduce energy use in buildings.

11.6 In relation to the subsidies and grants point, it seems to us that there is no reason why the increased cost of meeting the Passivhaus standards should not be a consideration that is taken into account when sites are subject to development appraisals. There are variables in development appraisals, such as land costs and profit levels, that can be taken into account if development costs change.

11.7 Andium Homes argue that the Passivhaus requirement should not be imposed at this stage. They are currently undertaking pilot projects and are pressing for a Green and Energy Efficient Building Standards Group to be set up to develop a Jersey-specific approach. Andium believe that it may be possible to set more appropriate Jersey standards. They do not agree that ME2 should apply to affordable housing, and not to open market housing within the built-up area and they point to potential supply of building materials issues if the policy is applied now. Andium is also concerned that contractors may be reluctant to work on affordable housing projects if there is an alternative open market housing project available that is not required to meet the Passivhaus standard. In response, the Minister points out that the policy is extremely flexible with a number of qualifications to help smooth the introduction of the requirement and also that the climate emergency situation is a serious one that demands serious action now. The pilot projects being undertaken by Andium are at an early stage and it seems unlikely that Jersey specific standards will emerge in the near future.

11.8 We agree with the Minister that there is a need for action now. Bearing in mind that Jersey could learn from the considerable experience of others, and taking into account the very flexible terms of the policy, we do not accept that Policy ME2 should not be applied now. We do however consider that the policy should be extended to include open market housing in the built-up areas.

**Recommendation 57: In the title and line 1 of Policy ME2 remove the word "affordable". At the start of the second paragraph, remove the words "Outside the built-up area". Amend the explanatory text on page 209 to reflect the revised policy.**

11.9 The Jersey Chamber of Commerce is concerned about the requirement in ME3 for a "very good" BREEAM rating for large-scale non-residential buildings. On the other hand the examination hearing was told that a very good rating has been achieved in Jersey and that in any event occupiers of new office buildings demand high quality buildings that meet the "very good" rating. In our view Policy ME3 is fully justified.

11.10 There are some concerns, from the National Trust for Jersey for example, that Policies ME6 – Offshore utility-scale renewable energy proposals and ME7 – Larger-scale terrestrial renewable energy developments, are too permissive and need qualification. However, we agree with the Minister that read as a whole the DBIP contains a raft of qualifications that provide adequate protection in

relation to renewable energy proposals. In addition, major renewable energy proposals will be subject to scrutiny through the Environmental Impact Assessment process. Clarification regarding the phrase “time-limited permissions” in relation to offshore projects was provided by the Minister at the hearing session. The point being that over the long term the Minister would not wish to see redundant equipment left in the sea indefinitely.

11.11 The reference to large-scale offshore renewable energy projects is objected to by some but supported by others. The notion of generating electricity from tidal movements is advocated by some but, as Jersey Electricity points out, the viability and practicality of tidal generated power is doubtful. Using solar power is seen by some, including Jersey Electricity, as the best option for Jersey. Overall, it is considered that the DBIP provides a positive framework that enables renewable energy projects to be advanced subject to appropriate safeguards.

## **Section 12: General and Minor Matters**

12.1 A number of those making representations consider that a problem has been the failure of decision-makers to implement policies and of the Minister to produce appropriate supplementary guidance to support the policies. Based on Volume 4 of the DBIP – Performance and Delivery - the Government is conscious of the need to apply the Plan effectively and the monitoring arrangements provide an adequate basis for assessing how well the Plan is applied in practice. Whether or not decision-makers apply the policies rigorously is not a matter that this report can deal with, other than to point out that there is little point in adopting policies that are not implemented.

12.2 The Connétable of St Brelade’s amendment (MA60) concerned a request for additional wording about performance measures across a range of policies: GD8, GD9, ER4 and NE3. For the detailed reasons given in SR65, we agree with the Minister that the proposed measures would not benefit the performance measurement framework of the DBIP and we do not recommend their adoption.

12.3 There is a very full representation alleging that the DBIP fails to address some 350 International Conventions. A particular concern seems to be the way non-qualified residents are treated in Jersey’s legislation, and it is claimed that the housing policies do not address the needs of many people living in the island. It is unreasonable to expect the DBIP to explicitly address a large number of International Conventions, particularly where only a limited number of which will have any direct bearing on the preparation of a land use development plan. As the Minister points out, the requirements of International Conventions are not deliberately ignored – they are inherently part of the Plan - and we have not identified any specific conflicts with International Conventions. As regards housing, it seems to us that in assessing the demand for housing, the Minister has not ignored the needs of any particular group of people. Issues about other aspects of Jersey’s legislation are clearly beyond the remit of a planning land use plan such as the DBIP.

12.4 There is some criticism that the DBIP does not take adequate account of viability considerations and that some of the proposed policies would impose unreasonable and unacceptable costs on development. The Minister addresses these points in SR66. By and large, we agree with the approach in the DBIP, which takes viability considerations into account in many of the policies. Consequently, we do not consider that the proposed policies are likely to impose intolerable burdens on the development industry or threaten the delivery of the Plan. In the case of Proposal 22, Future affordable housing provision, we believe that the Minister is being unduly cautious and that adequate viability evidence and background information exists to justify bringing this proposal forward and have recommended accordingly (Recommendation 24).

12.5 In SR67 the Minister has detailed five changes to the Proposals Map (see also PCR6). While recommending these changes, the Minister makes the point that the DBIP does not include a detailed and systematic review of the built-up area boundaries and that the only systematic review that has been undertaken is the CNP Boundary Review. We can see the justification provided in SR67 for the five recommended changes and support all of them as regards changes to the built-up area boundary (the designation of land at field O785 is addressed earlier at Recommendation 18). In addition, the Minister is proposing two other substantive changes to the Proposals Map (see PCR6). The removal of fields MN389 and MN390 from the affordable housing allocation and the inclusion of fields at St Peter as an area of sports and leisure potential. These two changes are dealt with in Recommendations 10 and 43.

**Recommendation 58: Amend the built-up area boundary on the Proposals Map to reflect the changes detailed in SR67 in relation to Le Pepiniere, St Lawrence; Land at Glenwhern, Grouville; field MN402, St Martin; and the sewage treatment plant at Bellozane. The built-up area boundary at field O785, St Ouen should also be amended, as set out in SR67, but the land use allocation for the site is considered separately at Recommendation 18.**

12.6 There is a substantive modification proposed by the Minister in relation to field H1256 and the policy regarding education facilities outside the built-up area. These changes are covered in Recommendation 34.

12.7 A correction to the Proposals Map in relation to the Mont à L'Abbé cemetery is also seen by the Minister as substantive. This correction is needed.

**Recommendation 59: Amend the protected open space and built-up area boundary to the south of Mont à L'Abbé cemetery in accordance with the change in the Minister's proposed modifications schedule (Part 6 of the Post-consultation report).**

12.8 Another substantive modification in the Minister's schedule involves visitor accommodation. For the reasons set out in paragraphs 7.11 to 7.14, we do not endorse the modification.

12.9 The substantive change proposed by the Minister in relation to housing demand is dealt with in Recommendation 4.

12.10 In addition to the substantive changes discussed above, PCR6 includes a number of minor changes, clarifications and typographical corrections. Of these, the modifications relating to the text of the Places section, Sustainable Communities Fund, modern design, visitor parking, Grands Vaux Valley, parking and front gardens have been dealt with in the body of this report. Of the remaining minor modifications proposed, we agree that they provide helpful clarity or corrections other than the one relating to field S729, and the one that refers to 5 or more homes or 200 sq m of floorspace. As regards the former, the modification will be unnecessary if our recommendation that the site be excluded from Policy H5 (Recommendation 15) is accepted. As regards the latter, the modification is acceptable for all parts of the Plan other than Policy ME1 (see Recommendation 56).

**Recommendation 60: Amend the Draft Bridging Island Plan in accordance with the 'Minor' changes as indicated in the final column of the Minister's proposed modifications schedule (Part 6 of the Post-consultation report), other than the modification relating to field S729.**

12.11 Where this report does not make reference to a policy or proposal, it can be assumed that we have no observations or recommendations to make about that policy or proposal.

12.12 We have noted the Corrigendum issued by the Minister in October 2021 and have no comments or recommendations relating to that document.

## **Appendix 1: Recommendations (60)**

**Recommendation 1:** In Proposal 6, Sustainable Communities Fund, to add the words “and other parts of the island’s built-up areas” in the first sentence after the words “future development of Town”. In paragraph 2 (as set out in SR66), add the words “the necessary legal mechanisms for” after “design and introduce the”, and after “Bridging Island Plan” add the words “ready for inclusion into the subsequent review of the Island Plan”.

**Recommendation 2:** Amend 4. in Policy SP3 to include the words “having regard to the needs of those with disabilities” following the words “accessible and inclusive design”. Amend bullet point 2 of Policy SP7 by adding the words “including those with disabilities and additional needs” after “individuals and families”.

**Recommendation 3:** Amend the wording in the Places section in accordance with the Minister’s proposed modifications schedule (Part 6 of the Post-consultation report).

**Recommendation 4:** Amend the figure for housing demand of 3,750 homes to 4,000 homes in every place where it occurs in the Draft Bridging Island Plan.

**Recommendation 5:** Fields C102, C104 and C105 are not allocated for affordable housing.

**Recommendation 6:** Consider field J1109 as a possible replacement housing site in accordance with SR26

**Recommendation 7:** Remove fields H1186A, H1189 and H1198 from the list of housing sites in Policy H5 and amend the Proposals Map accordingly.

**Recommendation 8:** Consider field H1248 as a possible replacement affordable housing site in accordance with SR26.

**Recommendation 9:** Amend the local centre boundary on the Proposals Map to include the land at Midbay House in the built-up area.

**Recommendation 10: Remove fields MN389 and MN390 from the list of affordable housing sites in Policy H5 and amend the Proposals Map accordingly.**

**Recommendation 11: Field MN391 is not allocated for affordable housing.**

**Recommendation 12: Consider field MY563 as a possible replacement affordable housing site in accordance with SR26.**

**Recommendation 13: Consider fields O622 and O623 as possible replacement affordable housing sites in accordance with SR26.**

**Recommendation 14: Consider fields P558 and P559 St Peter as possible affordable housing sites, in accordance with SR26 (together with field P632).**

**Recommendation 15: Remove field S729 St Saviour from the list of affordable housing sites in Policy H5 and amend the Proposals Map accordingly.**

**Recommendation 16: Consider field S341 as a possible replacement affordable housing site.**

**Recommendation 17: Amend the secondary centre boundary on the Proposals Map to include the land at Tabor Park in the built-up area.**

**Recommendation 18: Correct the cartographic error on the Proposals Map in accordance with SR67. Allocate field O785 for affordable housing and amend the Proposals Map to reflect this designation.**

**Recommendation 19: Add a fourth bullet point to Policy H2 as follows, "the quantity and quality of amenity space and parking, including visitor parking."**

**Recommendation 20: Revise the supply figure in Policy H3 to make provision for 4,300 homes. Amend the first bullet point to read "up to 1,660 affordable homes (including key worker accommodation)".**

**Recommendation 21:** Add a new sentence at the end of paragraph 1 of Policy H4 to read, “Residential developments for 4 or more dwellings should, in particular, include a proportion of smaller homes to encourage and enable right sizing.”

**Recommendation 22:** In Policy H5 in the penultimate paragraph after the words “Jersey Affordable Housing Gateway”, add “where no more than 50% of the allocation for affordable homes for purchase on any given site should be to people who are prioritised due to being able to demonstrate links to the parish in which the homes are located, with no such restriction applying to people aged 55 or over”.

**Recommendation 23:** Amend the third paragraph of Policy H5 to read, “All of the sites listed in this policy should be developed in accordance with the guidance to be issued by the Minister for the Environment which will address the site-specific tenure split and where appropriate, the provision of homes to enable the “right sizing” of homes within the existing housing stock.”

**Recommendation 24:** Progress Proposal 22, Future affordable housing provision, as a priority with a view to including a requirement for a proportion of affordable housing to be provided in appropriate open market housing developments as a policy in the next ten-year plan in 2025.

**Recommendation 25:** Amend Policy H6 by adding the words “and homes that will support independent living for those with disabilities and additional needs” in the first sentence after the words “supported housing”. Also, in the first sentence add the words “or specifically designed and adapted” after the words “development of supported”.

**Recommendation 26:** In Policy H8 remove clause 1.b. Add “where it involves” after “extension or” in the first sentence of 2. Replace “a separate household” with “separate households”. Remove “and” from the end of 2.a. Add new clause 2.b., “2.b. the accommodation is capable of allowing the creation of additional households where they meet the minimum internal and external space standards and specifications for homes within the existing or extended dwelling;” and re-number existing 2.b. to make it 2.c.

**Recommendation 27: In Strategic Proposal 3 - Creating a marine spatial plan for Jersey, insert after "Spatial Plan", "before 2025" and insert after "territorial waters", "in particular, to develop a network of marine protected areas which will".**

**Recommendation 28: In Policy NE2, remove "and" from the end of clause b) and add,**

**"c) ensuring that new trees are planted in the ground if at all possible, with the re-routing of any underground services and other measures that may be necessary to achieve this being undertaken as part of the development;**

**d) ensuring that where appropriate, lost watercourses are restored and new water features provided in the public realm, especially in urban areas; and".**

**Existing clause c) becomes clause e).**

**Recommendation 29: Add new second sentence to last paragraph on page 133, "This does not preclude high quality modern design of buildings or spaces within the area, rather it seeks a contextual response to fit the place."**

**Recommendation 30: Add a new section after paragraph 2 on page 124, "Inclusive design**

**Everyone should be able to enjoy easy and exclusive access to the historic environment. Listed buildings and places may need to be modified to meet existing access needs as well as the changing needs of occupants and users. Removing barriers to access can allow many more people to use and benefit from the historic environment. If sensitively designed this need not compromise the ability of future generations to enjoy heritage and access these environments.**

**Understanding the significance of a building is a vital first step in thinking about how much it can be changed to ensure sensitive interventions. In most cases access can be improved without compromising the special interest of the historic buildings and it is rare when nothing can be done to improve or facilitate access. By undertaking a careful process of research, consultation and creative exploration of alternative, good quality solutions are usually possible. The provision of improved access can be an important part of a sustainable approach to caring for the historic environment without compromising the significance of special places."**



**Recommendation 31: In Policy HE1 replace the introductory paragraph 4 with, "Proposals that do not protect a listed building or place or its setting will not be supported unless and with regard to the comparative significance of the listed building or place, or its setting, and the impact of proposed development on that significance:".**

**Recommendation 32: Amend the first paragraph of Policy HE2 to read, "Historic windows and doors in listed buildings or buildings in a conservation area which are of significance or special interest or which contribute to the character of the conservation area should be repaired using materials and detailing to match the existing. Proposals for the replacement of modern glazing in historic windows with double glazing will be supported where it can be accommodated a) within the existing window or door joinery frames or b) within a like for like frame where the existing frame is beyond repair."**

**In paragraph 3 of Policy HE2 remove the words "or the character of a building in a conservation area".**

**Add a new paragraph 4 to Policy HE2 to read: "Where proposals for the replacement of windows and doors in conservation areas will affect the character and appearance of the conservation area, they will only be supported where they protect or improve that character or appearance."**

**In the first sentence of existing paragraph 4 of Policy HE2 remove "more" before "modern windows". Remove "or buildings in a conservation area" and replace "or" with "and" at the end of the second line.**

**Add a second sentence to the penultimate paragraph of Policy HE2, as proposed in SR47, "The use of double-glazing in replacement windows and glazing in doors will, therefore, be supported where replacements replicate the historic window and doors as far as practicable helping to meet Jersey's commitment to energy efficiency."**

**Recommendation 33: In Proposal 14, Conservation area designation, revise the second paragraph to read, "It is proposed that the first conservation area or areas to be designated should be within the historic areas of St Helier and then drawn from the following list: St Aubin, the areas around the parish churches of Grouville, St Lawrence, St Martin, Trinity, St Ouen, St Peter, and St Clement; Gorey Village and Pier and Rozel Harbour. Designation should follow engagement and consultation with parish authorities, local residents, businesses and other key stakeholders including heritage organisations."**

**Add a new paragraph to Proposal 14: "During the course of the Bridging Island Plan, at least four conservation areas should be designated from those listed in this Proposal."**

**Recommendation 34: In Policy CI1 in the bullet point relating to Mont à L'Abbé School, remove the words "Part of". Amend the Proposals Map to reflect this change.**

**After field 782 St Ouen, add "Proposals for education facilities outside the built-up area or designated sites will not be permitted except in the most exceptional circumstances where the proposed development is required to meet a proven island need and it can be demonstrated that:**

**a. the development is essential to the delivery and continuation of education services and cannot reasonably be met through alternative sites, service delivery arrangements or co-location with other services; and**

**b. sufficient work has been undertaken to consider reasonable alternative sites for the development and the selected site represents the most sustainable option, with the focus on accessibility to the community relative to the defined spatial strategy, local demand, its impact on the character and nature of the landscape and the scale of development that may be required."**

**Recommendation 35: After point 2 in Policy CI4 add a new provision, "3. to address specific deficiencies in the provision of youth facilities the following site is safeguarded for use as a youth facility. The alternative development of this site will not be supported unless it can be demonstrated that it is no longer required for this purpose. Nelson Street Car Park/The Old Fire Station site: Nelson Street, St Helier." Amend the Proposals Map to reflect this change.**

**Recommendation 36: Amend clause 3. of Policy CI5 by removing the words "or increases" after "redevelopment maintains" and add to the end of the sentence after "public" the words "or increases the proportion of freely accessible public open space".**

**Recommendation 37: Add the FB Fields to the list of sports and leisure enhancement areas in Policy CI5. After 5. insert "6. FB Fields, La Grande Route De St Clement". Amend the Proposals Map to reflect this change.**

**Recommendation 38: Allocate in Policy CI5 field MN727 St Martin for an indoor cricket school with associated health and fitness facilities. Amend the Proposals Map to reflect this change.**

**Recommendation 39: In Proposal 25, St Helier Country Park, add a third paragraph, "The development of the country park will reflect an investigation and report by the Council of Ministers on opportunities to incorporate adjacent areas of countryside into the park in the future, in line with the map attached to, and supporting Paragraph 7 of Amendment 38 (as adopted by the States Assembly on 21 June 2011) to the previous Island Plan."**

**Recommendation 40: Revise the Proposals Map in accordance with the plan in SR19.**

**Recommendation 41: Add two new Proposals**

**"Development of a play strategy. The Minister for the Environment will work with the Minister for Economic Development, Tourism, Sport and Culture, and the Minister for Children and Education to develop a play strategy for the island, with specific focus on play area provision in St Helier" and "Supplementary planning guidance for developers in relation to the provision of play space. The Minister for the Environment will develop and publish supplementary planning guidance in relation to the provision of play space."**

**Amend the first paragraph of Policy CI8 by adding "as well as helping children access and spend time in nature" following "social and imaginative". Add "safe" to after "10 minutes" in paragraphs 2 and 3.**

**Add a new fourth paragraph, "In the first instance developers should seek to include as much green or natural play space as possible. Play space could also be provided as outdoor play equipment, playscapes (landscaped design that incorporates play features), space for ball games and dedicated space that encourages safe bike riding, skateboarding and scootering. In some circumstances indoor communal space may form part of the space for play contribution, such as communal games rooms or youth facilities. Other types of space for play will be considered where the developer has undertaken appropriate consultation and there is clear evidence of community support."**

**Recommendation 42: Revise the last paragraph of Policy CI9 by replacing the words that follow "Grands Vaux Reservoir" with "and Valley and Waterworks Valley have been identified on the Proposals Map as strategic countryside access sites and proposals that encourage, enable or enhance public access to the countryside here will be encouraged". Amend the Proposals Map Part A – Planning Zones - to reflect the policy, as set out in SR21.**

**Recommendation 43: Amend Policy CI5 and the Proposals Map to identify land in the vicinity of fields P789B, P898 and P789A as a sports and leisure area of potential. In 5. After "Framework Area" insert "The development of sports and leisure uses may also be supported in the identified sports and leisure area of potential (St Peter) but only where the public benefit and contribution to the viability and success of local sports can be proven to outweigh any loss or harm to the landscape and agricultural land."**

**Recommendation 44: Amend Policy EI1 to add "9. Field S380, St Saviour" as a protected industrial site, and amend the Proposals Map accordingly.**

**Recommendation 45: Amend Policy EI1 to add "10. Fields B.26 and B.27, St Brelade" as a protected industrial site, and amend the Proposals Map accordingly.**

**Recommendation 46: In Proposal 17, St Brelade's Bay Improvement Plan, insert "by December 2023" after St Brelade's Bay.**

**Recommendation 47: At the end of text in Policy ERE8, delete "not be supported" and replace with, "only be supported where:**

- It is required to meet a proven need, which cannot be met elsewhere**
- It would not harm marine biodiversity value."**

**Recommendation 48: Insert in Policy GD1, "2. it has regard to, and seeks to avoid or mitigate, the impact of the development on the needs of people with disabilities." Renumber existing 2. as 3.**

**Recommendation 49: In Policy GD3 after the words "restoration of land" insert "including infrastructure".**

**Recommendation 50: Add to Policy GD6 after "design", "having regard to the needs of those with disabilities".**

**Recommendation 51: Extend the Green Backdrop Zone to the built-up area above Ouaisné, as shown in SR51. Amend the Proposals Map accordingly.**

**Recommendation 52: Add to Policy GD9, "Within the shoreline zone of St Brelade's Bay, the redevelopment of a building, involving demolition and replacement, where the proposal would be larger in terms of any gross floorspace, building footprint or visual impact than the building being replaced will not be supported."**

**Recommendation 53: That the Minister reconsiders his position, as set out in SR63, not to support further extraction of existing reserves within the existing area of Simon Sand and Gravel.**

**Recommendation 54: Under the heading Jersey mobility hierarchy (page 251), add a new second sentence to the first paragraph, "Access to travel and transport is also affected by other forms of disability and not just those that are related to mobility and sensory impairment". In the second paragraph after the words "users of the development" add "including those people with all forms of disability".**

**In Policy TT1 in 2.a. add "and other forms of disability" after the words mobility impairments.**

**In the section entitled Active Travel (page 149), in the first paragraph add the words "including people with disabilities" at the end of the last sentence.**

**In Proposal 27, Active travel network, add "including the Disability Inclusion Group" after the words "relevant parish(es); stakeholders,".**

**Recommendation 55: Substitute "motor vehicle" for "car" in the third line of Policy TT4. Add a new paragraph 4 to Policy TT4, "Development involving the loss of front gardens and their boundary features to provide parking with direct access to/from the highway will not be supported where this would harm the character and appearance of the street scene or compromise highway safety."**

**Recommendation 56: Remove "for large-scale" from the heading to Policy ME1 and substitute "new development". Amend Policy ME1 to exclude the words "in the built-up area for non-residential development with a gross floorspace of 200 sq m or more; or residential developments of five or more homes".**

**Recommendation 57: In the title and line 1 of Policy ME2 remove the word "affordable". At the start of the second paragraph, remove the words "Outside the built-up area". Amend the explanatory text on page 209 to reflect the revised policy.**

**Recommendation 58: Amend the built-up area boundary on the Proposals Map to reflect the changes detailed in SR67 in relation to Le Pepiniere, St Lawrence; Land at Glenwhern, Grouville; field MN402, St Martin; and the sewage treatment plant at Bellozane. The built-up area boundary at field O785, St Ouen should also be amended, as set out in SR67, but the land use allocation for the site is considered separately at Recommendation 18.**

**Recommendation 59: Amend the protected open space and built-up area boundary to the south of Mont à L'Abbé cemetery in accordance with the change in the Minister's proposed modifications schedule (Part 6 of the Post-consultation report).**

**Recommendation 60: Amend the Draft Bridging Island Plan in accordance with the 'Minor' changes as indicated in the final column of the Minister's proposed modifications schedule (Part 6 of the Post-consultation report), other than the modification relating to field S729.**

## Appendix 2: Omission and Other Sites

The assessment of the omission sites is presented in tabular form in *Table 2* below with the reason/s why the sites have not been recommended for inclusion in the DBIP shown under one or more of five headings. There are other considerations such as drainage and agriculture value of the land which have been taken into account and commented on when necessary.

**Integration.** Sites in this category are relatively close to existing built-up-areas where the strategy of the DBIP supports development but successful integration depends on more than proximity. Development on these sites would not achieve a satisfactory level of integration with the existing form of the built-up-area.

**Spatial.** The strategy of the DBIP is firmly focused on locating most of the new housing in or adjacent to selected built-up areas. Sites identified in the spatial category are considered to be too remote from the selected built-up areas. The degree of remoteness varies but in an island such as Jersey even a modest distance can represent a conflict with the spatial strategy. In many instances the sites may be well-related to existing houses but this does not mean that they meet the spatial strategy test.

**Access.** It is accepted that achieving good access is frequently a challenge in Jersey. Hence this reason for rejecting a site is not frequently employed.

**Open Market.** The view has been reached that the DBIP does not need to allocate sites for open market housing. Accordingly, sites proposed for open market housing have been identified and rejected.

**Visual.** This reason for rejecting a site includes a range of matters including retaining important gaps in built-up road frontages, the retention of important views and the preservation of valued open spaces within and adjoining built-up areas.

Table 2: Reason(s) for Rejection of Proposed Sites

Site	Integration	Spatial	Access	Open market	Visual	Other Comments
B246, St Brelade					x	Important visual gap
B494, B494A, B495, B496, B564. B566, B566A, B567 St Brelade		x			x	Very remote
Eden House and B644A, St Brelade		x		x		Very small and remote
B942, St Brelade		x				
Oak Lane Farm, St Brelade		x		x		
Quarry east of B351, St Brelade		x		x	x	Frontage gap
Foxfield, St Brelade		x		x		
B512, St Brelade		x		x	x	
J228, J230 and J230A St John	x				x	Good agricultural land
Land at Sion Village, St John					x	Right of access issue
J801, St John		x				
Beauchamp House, St John		x				
L114 and L115, St Lawrence			x			Acceptable if access resolved
L309 and L311, St Lawrence		x				



L875 and L875A, St Lawrence		x		x		See paragraph 3.83
North End House, St Lawrence		x		x		
Cheraleen, St Mary	x			x		
Land at La Verte Vue, St Mary		x		x		
Longfields, St Ouen		x		x		
O250, St Ouen		x				
O562, St Ouen	x	x				
O782 St Ouen	x					Flood risk
Les Niemes Farm, St Peter	x	x		x		
Villa de L'Aube and P818, St Peter		x				
P175 and P190 St Peter	x		x			
P189, St Peter	x					
Thornhill Park, St Peter	x	x				
Broadlands, St Peter	x	x				
P655 and P656 St Peter						See paragraph 3.82
Cote d'Or, Grouville				x		Built-up area boundary change possible
Craigie Hall and C151, St Clement	x				x	Prominent with glass contamination

G234, Grouville	x			x		Close to Site of Special Interest – Over-55s (part)
G355 and G358A Grouville	x					Overbearing - footway benefit insufficient
G403A, C, D and G432A, Grouville	x				x	Extension into coastal plain - part floodplain
G508 etc, Fauvic nurseries, Grouville	x	x				Large site in coast plain - part flood risk
H1210, St Helier	x				x	Prominent
H1224, St Helier					x	Good, attractive open space
H1341 and H1341A, St Helier					x	Impact of road access
Mount Martin and H1550, St Helier						Part of the new hospital site
Houguemont, St Martin	x	x		x		
Le Mourin vineries, St Saviour		x				
MN423A, St Martin	x					
MN477, St Martin	x					
MN478B, St Martin		x				
Rainbow nurseries, Grouville	x		x			
S380, St Saviour	x		x			Poor housing site adjacent industrial estate
S579, St Saviour		x			x	

S741, S742 St Saviour	x				x	Flood risk adjoining S740 - deleted
Bel Air, St Saviour				x		
T1404, Trinity	x					
T267 and T269, Trinity	x					Part constrained - drainage
T536, Trinity	x					
T588, Trinity	x					
T873, Trinity	x					Very small - boundary change
Trinity Grange, T569, Trinity				Over-55s		Surface water problem and sewer capacity
New Morley	x	x		x		Very small and remote
La Rive garage, St Martin		x				Very small and remote
C127 and C128, St Clement	x		x			

Note: There are some representations that seek to have the built-up area boundary amended, usually on the grounds that the boundary does not take account of the domestic nature of the land in question. Not all of these representations are shown in the table for two reasons. Firstly, it is not always clear whether the representation is seeking an allocation of the site for housing and second, because the question of the built-up area boundary is not a matter that has been dealt with in the DBIP (see SR67). Consequently, if the representation is looking to have the site developed, we consider that the matter is best dealt with through the planning application process.

