

STATES OF JERSEY



ISLAND PLAN 2011: REVISED DRAFT REVISION – APPROVAL (P.37/2014) – TENTH AMENDMENT (P.37/2014 Amd.(10)) – AMENDMENT

**Lodged au Greffe on 14th July 2014
by the Minister for Planning and Environment**

STATES GREFFE

ISLAND PLAN 2011: REVISED DRAFT REVISION – APPROVAL (P.37/2014) –
TENTH AMENDMENT (P.37/2014 Amd.(10)) – AMENDMENT

1 PAGE 2, AMENDMENT (a) –

Delete the words “and propose limits on the type of development and their densities within each of those areas”.

2 PAGE 2, AMENDMENT (b) –

After the words “planning guidance for”, insert the words “the particularly sensitive parts of” and for the words “and their character” substitute the words “as appropriate”.

3 PAGE 2, AMENDMENT (c) –

In Proposal 8, after the words “designation of” insert the words “a minimum of three”.

MINISTER FOR PLANNING AND ENVIRONMENT

This amendment has been lodged by the Minister for Planning and Environment for less than 6 weeks before the start of the debate in accordance with the provisions of Article 4A of the Planning and Building (Jersey) Law 2002. Paragraphs 4A(2), (3) and (4) are in the following terms –

“4A Procedure for and following lodging of draft Island Plan

- (2) An amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 8 weeks.
- (3) An amendment to an amendment to a draft Island Plan cannot be debated by the States unless it has been lodged for a minimum period of 6 weeks.
- (4) Paragraph (2) or (3) does not apply to an amendment lodged by the Minister if the States agree that the amendment may be debated forthwith or on a day or at a time approved by the States.”

In accordance with the provisions of paragraph (4), the Minister for Planning and Environment will seek the agreement of the States to debate this amendment during the debate on P.37/2014: Island Plan 2011: revised draft revision – approval.

REPORT

Summary

In bringing forward my own amendments to the proposals put forward by Deputy J.H. Young of St. Brelade, I am seeking to offer a pragmatic way forward in a way that retains the essence of his proposed changes within the realistic constraints of time and resources available to me over the remainder of the Plan period.

As a consequence of this, my own amendments, insofar as they relate to:

Parts (a) and (b) and the development of supplementary planning guidance for the Island's Built-up Area, seek to ensure that this is done on a selective and prioritised basis, targeting those more sensitive parts of the Built-up Area that would most benefit from supplementary planning guidance, and limiting the extent of the guidance to an assessment of character, rather than seeking to be prescriptive about the limits and densities of development that might take place there; and

Part (c) and the designation of Conservation Areas. Rather than prescribe that all Conservation Areas are designated by the end of the Plan period, my own amendment states that I will designate a minimum of 3 Conservation Areas by 2020. This is considered to be much more realistic and achievable.

Detailed response

Parts (a) and (b)

These 2 parts of Deputy Young's amendment together effectively seek to do 3 things –

1. to acknowledge that different parts of the Island's Built-up Area have different characteristics;
2. to require me to develop supplementary planning guidance for all of the Island's Built-up Area, that will identify and describe the particular characteristics of each distinct area, within the remaining Plan period (i.e. up to 2020); and
3. to propose limits on the type of development and their densities within each of those areas.

My initial response to this was that it was both misplaced and aspirational.

It was misplaced, firstly because applicants are currently required to set out how their proposals relate to the context of their application site, increasingly including the use of 3D models. This puts the onus on applicants to describe the impact of their development on the character of an area and, as the Planning Inspectors identified, it makes architects and developers explicitly address the context of their proposal from the outset.

It was misplaced, secondly because, as identified by the independent Planning Inspectors, setting limits on types and densities of development for the entire Built-up Area would be *“well-nigh impossible in isolation from a more rounded assessment of the settlement in question, having regard also to such issues as transport,*

infrastructure and public services...and planning to facilitate essential development...including additional housing.”.

And it was aspirational because, even if considered desirable, the resources of both officer time and finances are not sufficient within my Department to do this for the entire Built-up Area within the remainder of the Plan period.

I am of the view, however, that in some circumstances, it is helpful – to both decision-makers and applicants – for additional planning guidance to be provided to set out the essential characteristics that new development ought to address in a specific area. This work has already been undertaken in St. Helier, under the auspices of the St. Helier Urban Character Appraisal, and I have adopted and issued this as supplementary planning guidance to inform development proposals in the town.

I do not think it appropriate or realistic for similar guidance to be produced for all of the Island’s Built-up Area, but there may be other parts of the Built-up Area where guidance of this type might be highly desirable and useful: this might be in areas that are particularly sensitive to new development or where there is particular development pressure.

My amendment seeks to take the essence of this proposal – which is the proposed development of supplementary planning guidance to define the character of an area and to use this to assess and guide development – and to apply it selectively where it is needed most and where it can be achieved having regard to the resources available, rather than as a blanket approach across the entire Built-up Area. My amendment also seeks to ensure that the guidance is informative and not prescriptive.

Part (c)

Whilst I remain committed to delivering Conservation Areas in Jersey, as already set out in the 2011 Island Plan, it is not considered to be practical or realistic to complete this by the end of the current Island Plan period, as set out in Deputy Young’s amendment. The reasons for this are elaborated upon further below.

Before doing that, it is worth stating that my own amendment seeks to demonstrate that I remain committed to delivering Conservation Areas, whilst recognising that it is only realistic for a limited number of these to be designated during the remainder of the Plan period, and this is what my own further amendment seeks to achieve by stating that a minimum of 3 should be designated by 2020.

This approach was helpfully proposed by the independent Planning Inspectors following their review of the issue.

I remain open to the prioritisation of those areas of the Island which might first be considered for Conservation Area status. In this respect, it is suggested that efforts are most likely to be initially focussed on those areas of historic character which are the subject of most development pressure, which would thus likely include St. Helier, St. Aubin and Gorey.

The first challenge to progress Conservation Area designation is the lack of a definitive statutory basis to do so: the Planning and Building (Jersey) Law 2002 does not specifically include any explicit provision for me to so designate these areas.

Whilst it is probable that I could progress the creation of Conservation Areas on the basis of policy, to ensure legal certainty would require their designation on a statutory footing. This would require amendment to the Law, which I am working towards as part of a bundle of revisions to the existing Law (Amendment No. 7): this will be progressed during 2014, but is unlikely to be ready for adoption until 2015.

Second, I have a statutory duty under the Law to protect buildings and places that have a special importance or value to Jersey. I do this by adding them to the List of Sites of Special Interest. In 2011, I introduced a new historic environment protection regime that relies solely on the statutory listing of special buildings and places: this has been complemented by a complete re-survey and review of the heritage value of over 4,000 buildings and places throughout the Island. My Department, in partnership with Jersey Heritage, is aiming to complete the formal re-designation or designation of this site-specific protection of the Island's heritage assets by the end of 2014. Once this is complete, my Department will redirect its resources to the assessment of those areas with the potential for Conservation Area designation.

Third, until work is undertaken to develop criteria for the assessment and definition of Conservation Areas, in addition to a preliminary assessment of the scope of potential candidate areas, it is difficult to define precisely the number of Conservation Areas that might ultimately be designated in the Island. Furthermore, whilst not yet developed or prescribed, it is considered likely that the process of Conservation Area designation will involve extensive stakeholder engagement and formal consultation, given that designation will confer additional planning control: there may also need to be formal process of appeal and challenge. The time and resource required to undertake such engagement should not be underestimated.

Even looking at the most likely list of candidate areas for Conservation Area designation – which might include one or more in St. Helier, St. Aubin, Gorey Harbour and Village, historic parish centres (x 11?) and north coast harbours – and assuming an optimistic rate of designation of 2 Conservation Areas per year, it is considered unrealistic to consider that the process would be complete for the entire Island by 2020.

Financial and manpower implications

The financial and human resource implications arising from this further amendment will be managed within the resources available to the Department of the Environment.