

**WRITTEN QUESTION TO THE MINISTER FOR PLANNING AND ENVIRONMENT BY THE
DEPUTY OF GROUVILLE**

ANSWER TO BE TABLED ON TUESDAY 3rd FEBRUARY 2009

Question

1. Given that in a response to my oral question on 20th January 2009, the Minister indicated that a UK Consultant had been appointed to draw up a policy and implement a States decision to require developments of over a certain size to provide a percentage of their build for social need, could he indicate:-
 - (a) when the UK Consultant was appointed?

Answer

I approved the appointment of Kelvin MacDonald Associates on 20 June 2008.

Question

- (b) why the Minister's own senior officers could not draw up such a Policy, given the template is available under section 106 of the UK Planning Guidelines?

Answer

The Department generally uses consultants for two reasons: where specialist knowledge is required and where there is no capacity in the Department due to other workload. For this project both factors applied.

This planning policy needs to be evidence-based and defensible in law, particularly as the policy is likely to be controversial with landowners and developers as it could have an effect on land values and profitability – an effect which could be magnified as we seek to meet future housing needs from previously developed sites.

Until now, the planning process in Jersey has delivered 'affordable' housing by restricting development of green-field sites to certain tenures and controlling onward sales to first-time buyers. The new policy will aim to deliver housing which is genuinely affordable.

The project required research on the local housing market to establish the need for affordable homes of different types, and how a policy could be devised to meet those needs through private sector development.

This has necessitated consultation with different stakeholders in the provision of affordable housing. It also involved research into different methods of procuring affordable housing in the UK and evaluation of their effectiveness.

The subject of delivering affordable housing is a very complex area and requires highly specialist knowledge of mechanisms used in other jurisdictions and a very clear understanding of their success or otherwise. There are a large number of primary mechanisms and hybrids available as options and this is not a specialism that the planning department could reasonably be expected to have internally.

Question

- (c) how much the appointment is costing the tax payer?

Answer

The fixed price for this contract is £23,250 plus expenses.

Question

- (d) how long it will be before the Policy is implemented and used as part of the Planning process?

Answer

Implementation of the policy will require the Minister to propose an amendment to the 2002 Island Plan in the States Assembly. When the final report is received and I am satisfied that it is soundly-based and workable in the local market then I will undertake consultation on it as the Law requires me to do. Having reviewed the results of that consultation, I will lodge a proposition to this effect. The policy can only be implemented when the States has adopted it as an amendment to the plan.

Question

- (e) whether the delay in implementing a relatively simple policy which already exists elsewhere is acceptable?

Answer

I need to make it clear that this is most definitely not a simple policy to introduce. Although similar policies exist elsewhere, they are, or need to be, based on accurate evidence if they are not to be challenged successfully in law.

It represents a fundamentally different method for the Island to procure affordable housing, and it will have a considerable impact on the development industry.

There are a number of significant issues that have to be addressed in preparing it, including:

- Defining “affordable” in meaningful terms;
- Understanding market conditions at any particular time;
- The viability of development;
- The possible disincentive to landowners and developers to release land or to build;
- The evidence of need;
- Defensibility in law;
- Where to set thresholds for developments to which the policy to apply; and
- Establishing the mix of affordable housing (size and tenure) to be provided where the policy does apply.

Question

2. Could the Minister detail how many developments, if any, he has he approved since the States decision on 2nd April 2008, which would have fallen under the policy?

Answer

An amendment to the Island Plan is legally necessary to effect a policy change of this nature. After 2nd April 2008 this involved the gathering of evidence, drafting of the policy, consultation under Article 3 of the Planning Law, a response to the consultation, a report and proposition and a States debate.

Given that there were elections last autumn and limited States sittings, and most importantly, that the evidence gathered had to be reviewed in the light of the change in economic circumstances (particularly

the restricted parameters for borrowing to purchase property: eg. for first-time buyers and Jersey Homebuy qualifiers) it is most unlikely that a proposition would have reached the stage for debate until this year.

Accordingly, I do not consider that the policy would have applied to any developments granted permission since 2nd April 2008.

The only delay that has arisen in bringing this policy into force has come about through the need to review the effects of the economic recession on the housing market.

Question

3. Does the Minister accept that, had the policy been implemented before the re-zoning debate in July 2008, some areas of the countryside could have been saved from development, and opportunities to require developers to contribute to the supply of first time buyer and sheltered housing in the Island have been wasted?

Answer

This question is entirely hypothetical as there is no possible way that the policy could have been amended before the July 2008 rezoning debate.