

2.4 Deputy J.A. Hilton of St. Helier of the Minister for Planning and Environment regarding the sale of homes at Uplands Drive under a 'Homebuy'-style scheme:

Further to the response given to my question on 21st February 2012, when the Minister confirmed the sale of 4 homes at Uplands Drive under a scheme similar to the Homebuy scheme, will he explain why, when the original permit allowed for 6 homes to be affordable housing and the remaining 8 to be for first-time buyers, he decided to withdraw the remaining 2 homes from the Homebuy scheme?

Deputy R.C. Duhamel of St. Saviour (The Minister for Planning and Environment):

In short, I did not decide to withdraw these 2 homes from the Homebuy scheme. Last year following significant levels of advice, it became necessary to look at the planning permission that had been granted for the site, as it previously required Homebuy schemes to be delivered in accordance with proposition P.74/2008. As the Deputy in the House will understand, following a review of this scheme by the Public Accounts Committee - the Comptroller and Auditor General - the decision on the Island Plan in June of last year, and then in subsequent decision on P.163/2011... the Homebuy scheme was effectively placed on hold pending a future decision by this Assembly. Homes can therefore not be sold under this scheme. In this case, a specific offer was made by the developer in negotiation with the department to the 6 families promised a home by the Parish of St. Helier draw, to honour the previous intended deal in spirit. Four of those families chose to take up the offer. All other homes on this site are Category A homes and sold as such to first-time buyers in line with the planning permission.

2.4.1 Deputy J.A. Hilton:

In the first part of his answer the Minister for Planning and Environment said he did not decide to remove them. What I am trying to establish is exactly who did and on what grounds. The Minister in his response said the developer made an offer. I am trying to understand what the offer is and why 2 families were deprived of affordable homes, with the developer effectively netting an additional £300,000. That is what I am trying to ...

The Deputy Bailiff:

You have 4 questions so far. Would you try and focus on one or 2.

Deputy J.A. Hilton:

I am trying to understand why the developer was allowed to net an additional £300,000 when the permit specifically said 6 homes and not 4.

Deputy R.C. Duhamel:

The permits, as originally conditioned, were for first-time buyer houses. A subsequent extra planning obligation agreement was placed on this particular site in order to sell 6 homes, as the Deputy states, under a previous Homebuy scheme. I have already outlined many times to this House and to the Deputy that for legal reasons, notwithstanding reviews that were undertaken by our Public Accounts Committee, the Comptroller and Auditor General, the Island Plan in this House by the States and the States also deciding on P.163/2011, that for legal reasons we were unable to honour the Homebuy scheme because the Homebuy scheme does not exist. The Homebuy scheme replacement might exist in the future when the work is undertaken. I believe that the Deputy is also a member of the working group to bring forward a replacement Homebuy scheme to this House. Until that happens, we are not in a position to broker any homes under a Homebuy scheme because it does not exist. The Deputy was offered by myself, through the officers, an opportunity to have the illegal niceties explained to her at the department. She declined the offer. I still offer her openly and publicly another opportunity for her to receive the legal advice that is privy to the department and to understand things more fully in that respect. I do not think I can say anymore.

2.4.2 Deputy J.A. Hilton:

Yes, indeed, the Minister did make me a very kind offer to attend his offices last week but I was involved in a Scrutiny review and was working in back-to-back meetings for 5 days last week so it was absolutely impossible for me to do so. I am not happy with the Minister's response. I do not believe that he has answered the question in an adequate way. He seems to have a scheme that was perfectly okay for 4 but not for 6. So, my question to the Minister is will he agree to a review being carried out by the Comptroller and Auditor General so we can get to the bottom of this and have some answers for the public, please?

Deputy R.C. Duhamel:

I do not set the agendas for the Comptroller and Auditor General but if the Comptroller and Auditor General is quite happy to undertake that piece of work then obviously it will be for him to do so.

2.4.3 Deputy J.H. Young of St. Brelade:

I wonder if I might be allowed to ask the Minister to clarify his answer about planning obligation agreements. Obviously this particular matter relies on such an agreement. Could he confirm whether he has taken advice from the Attorney General that when a consent is given that that is subject to a planning obligation agreement which for whatever reasons cannot be implemented, whether that means that the consent is null and void and further application ...

The Deputy Bailiff:

Deputy, I am sorry, I am going to disallow that question. Planning obligation agreements are quite a large step away from the Homebuy scheme, even though they may have some tangential connection. Any further questions? Final supplementary?

Deputy J.A. Hilton:

Just to say that I will take up the Minister's offer and ask for this matter to be referred. Thank you.