

2018.04.10

### **The Deputy Bailiff:**

Before we start again our Public Business, there is an urgent oral question, which has been listed for first thing this morning that the Connétable of St. Peter will ask of the Minister for Environment.

#### **2.1 Connétable J.M. Refault of St. Peter of the Minister for Environment regarding ...**

Following the refusal of the application for 65 first time buyer homes in St. Peter, would the Minister advise how many homes have been approved under Policy H5 since 2014 and, if none, will he undertake to review this Policy to ensure that it enables the future delivery of parish-led developments which provide homes which seek to maintain the vitality and viability of those parishes?

#### **Deputy S.G. Luce of St. Martin (The Minister for Environment):**

Before I start my answer could I just clarify something, a misunderstanding between myself and my Assistant Minister yesterday? I was in fact in Southampton on States business yesterday and not on a family matter. Policy H5, affordable housing in rural centres within the States-approved Island Plan zoned 2 specific sites for affordable housing. It is envisaged that the total number of affordable houses to be delivered through this policy would amount to no more than 50 units, although it is accepted that other proposals may emerge. The first site in St. Martin was given planning permission in December 2017 for 20 homes and the other site in St. Ouen is also likely to be developed for around 20 affordable homes and no planning application has yet been received. The policy allows for other sites to come forward to support the viability and vitality of Jersey's rural settlement, although to date no formal planning applications for other sites have been made under this policy.

##### **2.1.1 The Connétable of St. Peter:**

The question I would like to further ask the Minister is, given that the parishes of St. Peter, St. Ouen, St. John, St. Martin and Grouville, currently have in excess of 500 applicants for affordable first-home buyer homes described by the Planning Officer at the independent planning officer hearing as lists of data on a parish hall wall, can the Minister explain what measures his department used to determine in their evidence to the inquiry that no need exists?

#### **The Deputy of St. Martin:**

The policy is quite clear and I might read it to States Members: "Establish an authoritative evidence base" is the heading and it reads as follows: "The Strategic Housing Unit will publish an annual housing assessment report, which will provide evidence on current and future numbers of households in need across all housing tenures. This will be matched against the anticipated supply in order to provide the evidence base to support the objectives of the Housing Strategy and inform policy decisions." I have to say that my department has not been formally advised by the S.H.U. (Strategic Housing Unit) that the current supply in housing planned is not currently met with demand. Indeed, the housing unit must recognise this because they have very recently decided that they are going to review these statistics.

##### **2.1.2 Connétable C.H. Taylor of St. John:**

When I took office I was told there was no waiting list but soon it became apparent that there were parishioners wanting affordable housing because the parish had not done any affordable housing schemes since 1992. A full generation has grown up in the parish and in October 2016 a letter went to all parishioners and I have over 170 parishioners with strong ties to the parish

looking for affordable housing. Currently I have a scheme ready to go forward looking for 16 houses and I would like to know with some confidence as to whether this is going to be viewed or whether I am wasting my time.

**The Deputy of St. Martin:**

I am not sure what the question was, but I will attempt to give an answer. I can only reassert, the Constables who have demand - and I do not dispute that there is demand - need to speak to the Minister for Housing, they do not need to speak to the Minister for the Environment because I have to make a decision on planning applications, I have to follow policy, I have to balance policies, and I need, as it says here, the evidence, which is produced by the Housing Unit, to show that there is more demand than supply and then we move forward. As I have explained to Constables, there are a number of different ways to come forward with applications for these types of schemes, one is to do as we have had from St. Peter, to provide a planning application and test the Island Plan. But be under no illusions, the tests for the Island Plan were considerable in this case. The other one of course is to do, as we have done in the past, is to come to this Assembly and seek to amend the Island Plan, to rezone some sites and move forward in that way. There are a number of different ways of moving forward. But if that demand is there it needs to be properly evidenced and I am not saying that the people coming to the parish halls are not providing that evidence, it is just there is a process to go through, an Island Plan agreed by this Assembly, by which we set policy, by which we allow these sites to move forward and be developed. We need to follow the structure. I would say something else to the Constable, complicated applications, as we know only too well, do not often go through on the first time. We have repeated amendments and we get there eventually and that is what we have to do. I refer Members, before they come back at me again, to the report, and I hope Members have read the report because there is some very interesting stuff in there, and the last thing it says here is that: "The case for St. Peter has not demonstrated to me that there was sufficient justification but rather it would be premature to permit the proposed development ahead of the work already undertaken aimed at providing necessary clarity in respect of the Island's affordable housing needs." That is not a glimmer of hope; that is an indication of where we need to be looking. These sort of applications need to go back, you need to look at the inspector's report, find out where the problems are, challenge those problems, make the changes and come back again.

**2.1.3 The Connétable of St. John:**

Supplementary, just a suggestion, I know a number of my parishioners do not register through the housing scheme because they do not offer houses in the parish. So there is a disconnect there and perhaps that needs to be addressed somehow and this should be examined by the Minister for Housing. But I put that forward as a suggestion ...

**The Deputy Bailiff:**

This needs to be a question, this is an oral question, it must have the same rules as questions ...

**The Connétable of St. John:**

Yes, I was going to ask if the Minister agreed with my interpretation.

**The Deputy of St. Martin:**

The Constable has his own interpretation and that may well be correct. But if these people who feel they have demand for property, for houses, are not eligible through the gateway, they need to speak to the Minister for Housing and make sure that they are identified properly and that evidence is brought forward.

#### **2.1.4 Senator S.C. Ferguson:**

Given the Statistics Department forecast for housing, given the size of the immigration over the past 2 years, which is 185 Le Marais flats - blocks of flats - by 2035, not to mention the occasions where Planning have ignored Island Plan policies, how can the Minister justify the no need for the houses statement?

#### **The Deputy of St. Martin:**

In the current Island Plan we know there was a demand for a certain number of houses and the applications that we have are either in the construction at the moment or coming forward at the moment meet that demand. Unless the evidence base - and I refer back to it again - is updated and another number for demand is published, there is no need to change the plan. But I accept, if the evidence base changes, yes, the plan will need to change with it.

#### **2.1.5 Senator S.C. Ferguson:**

Supplementary. Does the Minister not think that, given the reputation, the very solid good reputation of our Statistics Department, does he not think that he ought to listen to them?

[9:45]

#### **The Deputy of St. Martin:**

I take great notice of the Independent Statistics Unit but, as I can only reiterate again, the need needs to be evidence-based and it needs to be published by the Housing Unit officially to myself and the Planning Department before we can start taking a different view of applications.

#### **The Deputy Bailiff:**

I have Deputy Martin, the Deputy of St. Ouen, Deputy Tadier and Deputy Andrew Lewis. That will take us well beyond the reasonable time allocated for that, so that will be the limit to questions when they come in now. Deputy Martin.

#### **2.1.6 Deputy J.A. Martin of St. Helier:**

I am sorry but I have very little confidence in this Minister because when I asked him about the 800 family homes that he had planned in St. Helier, had he spoken to the Minister for Education where the children will go, he said no. I have residents, and I do not know where they are from, they were 800 on the housing list last year, they have now been told, this is not one family, they have been phoned and said: "We are not doing anybody over 800" when the list is now 1,000 families. Where does this Minister think there is no demand? He cannot put the 1,000 homes out there and ...

#### **The Deputy Bailiff:**

This must be a question directed at the Minister.

#### **Deputy J.A. Martin:**

Yes, the question is, he is telling us the Strategic Housing Unit has said there is no need. Has he been in and spoken to them because there is a need, 1,000 on the first-time buyers list that was 800 this time last year, who is not talking to who? Is the Minister talking to anybody else?

#### **The Deputy of St. Martin:**

I have said on a number of occasions publicly during my time as Minister that I wanted the Housing Unit to come up with updated figures. I have also said this morning that that has not been done but it is currently work that is underway.

#### **2.1.7 Deputy R.J. Renouf of St. Ouen:**

I would like the Minister to explain the phrase “sufficient justification” because why can his department not take account of the fact that in St. Peter and in St. John and also in St. Ouen and in a number of other parishes there are lists that have been established of young people who wish to be housed in affordable homes? **[Approbation]** Why is the Minister saying that it is not up to his department to go and verify these lists; he has to receive his information from the Housing Department? Why can his officers not work with the parishes and satisfy themselves that this need exists?

**The Deputy of St. Martin:**

There are 2 things to say there, the one is that Ministers for Planning get criticised but they cannot be judge, jury and executioner. The other thing I would say is that we have a system in place, which currently has a proposed way, the way we do our business, the way we come forward with applications, and those need to change. I would like nothing more than to be able to do all this work. It seems crazy to me that I cannot go out and identify a need, and then identify the fields and identify the applicant and go out and build it, but that is not the way the current system operates. Maybe it is time the system was changed; indeed it would be quicker, simpler, and better for everybody. But I would say to the Deputy that he talks about sufficient justification, but I repeatedly talk to Members on this and it is a question of balancing the current policies in the Island Plan, so it is not just about demand, there are 7 other reasons in the inspector’s report why this particular application should not be approved, spatial, statutory, sequential approach, protecting the natural historic environment, better by design, general development considerations, affordable housing in rural centres, safeguarding agricultural land, there is a long list of reasons why, if you look at the Island Plan, this particular application needs to be changed before it can be approved. Notwithstanding the demand, notwithstanding the green field that is going to get built on, notwithstanding many of those other things, can Members not see there is an opportunity, if this scheme moves forward, to do a wonderful thing in the heart of St. Peter around a village centre, a village green, an area at the heart of that village there that could be so much better and I said ...

**The Deputy Bailiff:**

Minister, this is a question and answer and you have run well over the normal time allocated for giving answers. Deputy Tadier.

**2.1.8 Deputy M. Tadier of St. Brelade:**

I am just thinking out loud here but asking: where is St. Helier’s parish housing scheme? It presumably does not have one because it is called social housing in St. Helier. But that is not my question. The question is, to cut to the chase, and I think the nub of this, is the Minister comfortable with green fields and agricultural land being redeveloped, taking it out of agriculture in perpetuity for development of residential housing and is this an indictment on yet another 4 years of continued population failure policy from this, his Government?

**The Deputy of St. Martin:**

As I have just said, the environmental policy ERE1, safeguarding agricultural land, has a strict presumption against building in the green zone, especially when the green zone in question is a green field of green grass with brown cows grazing around in it. This Minister is keen on protecting agricultural land but this Minister is also a realist and there will be times in the future... and I know when we review the next Island Plan there will be enormous pressure on expanding village developments, and I would support that as well because I know only too well how important it is to parishes to keep the vitality in the parish and to keep their young people in the heart of the parish.

### **2.1.9 Deputy M. Tadier:**

When there is a net of 1,000 plus people population increase in the Island and that is net, that must mean that there are more than 1,000 new people coming to the Island every year, which far exceeds his Council of Ministers policy of 325, first of all where are these people supposed to be housed and how are people supposed to be linked to the parish and have strong ties to the parish if there 2,000 odd new people are coming to the Island every year? Will they all be housed in St. Helier and the overcrowded urban areas?

### **The Deputy of St. Martin:**

No, they are not all going to be housed in St. Helier. They are going to be housed around the Island but we have a new Island Plan that will come into effect in 2020, we are going to start reviewing on that very shortly. I know, and as I have just said, the villages, the rural parishes, will all come forward and I would support them to come forward with schemes to develop more parish housing in their parishes so their young families with their young children can stay in the parishes and attend the schools. But I say to the Deputy, he goes on about population, there are more people in work, more people in jobs, we do have a housing challenge with finding places for people to live but we are up for that, Andium are doing a great job and we know the private sector continues to come forward with places that will be built for people to live in.

### **2.1.10 Deputy A.D. Lewis of St. Helier:**

I know the Minister would like to resolve this problem if he could. He said that maybe the system needs to be changed. I would like to know how did it get this far with this particular application where promises were made, expectations were not met, what has happened with the pre-planning process so that these issues could be identified much earlier so that those people that were so excited about becoming home owners, hopes have been dashed, perhaps temporarily, what happened with the pre-planning advice? The issues that the Minister has raised, surely a lot of those would have come out in pre-planning advice. Why did they not before people's expectations were raised?

### **The Deputy of St. Martin:**

As I indicated right at the beginning, I view this particular refusal and application as the start of the process, not the end of the process. But I would say to the Deputy that we do have some major development companies in Jersey who will not proceed with a planning application until they know they have a scheme, which meets the approval of officers in the department. I do not want to go on and talk too much about the hospital site, but when the first application was refused I sat down with my Chief Officer the next day and I said: "This must never happen again." We must make sure our major States schemes, our major schemes come forward in such a way that there is enough discussion that the application is received and has the support of officers in my department. That would be the best way to move forward and I can only urge people with large schemes to make sure they talk to us. It is always a compromise, there will always be give and take, but the most important thing is that the Planning Department come out with an approval at the end and not a refusal.

### **2.1.11 Deputy A.D. Lewis:**

Supplementary. The Minister did not answer the question. So why did the pre-application advice not occur in this particular instance? He is saying that it should have done but clearly it has not. Could he perhaps answer as to why it did not?

### **The Deputy of St. Martin:**

I cannot answer the Deputy's specific question. The application comes across my desk at the beginning of the process and unless it goes to an appeal or public inquiry it does not come back before me again and it would not be right that it did. So I cannot answer the Deputy's question but I will go back again and reiterate to officers that we must continue to try to work with all applicants at every stage to make sure that everybody moves forward in the same direction.

**2.1.12 The Connétable of St. Peter:**

If I can just start very quickly and praise the department, particularly one member of the department, the Principal Planning Officer, who worked with us tirelessly from day one, 3 years ago, and took us through every wrinkle, every hoop, and every trough that we had to go through.

**The Deputy Bailiff:**

Connétable, this does have to be a question.

**The Connétable of St. Peter:**

I will get to it. Just to say that we went through every process, guided by a member of the department right the way through. Two words: one Government - this is what we want, one Government, and to rely on people to come and tell me what needs to be done is not an answer, it is about Government working together, talking to each other.

**The Deputy Bailiff:**

Connétable, I appreciate your feelings run high, but this is really a speech, it is not a question. Could you please ask a question?

**The Connétable of St. Peter:**

Sorry, yes. I do not think I have another question for the Minister.

**The Deputy Bailiff:**

Thank you very much.