

# Bridging Island Plan 2022-24

An analysis of the revised  
Island Plan Review process

Environment, Housing and  
Infrastructure Scrutiny Panel

5<sup>th</sup> February 2021

S.R.3/2021



**ISLAND PLAN**  
2022-24

States of Jersey  
States Assembly



États de Jersey  
Assemblée des États



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## Chair's Foreword

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Global circumstances have dictated that the best laid plans are having to be modified and this is the case with our normal 10-year cyclical plan. The Island Plan is the principal means by which Jersey has set out policies, most notably, the re-zoning of land in response to increases in the demand for affordable homes as a priority. The lead time in bringing a development to fruition is long and even 10 years will, at times, be insufficient.

The Minister has proposed to address this in all reasonableness by asking the States Assembly to approve changes to the law which will enable the production of a short-term bridging Island Plan. This will in turn be directed in 2024 back to the regular cycle.

The Minister's proposals are ambitious and commendable in the shortened period being proposed, however, it is unclear whether or not they are, in practice, achievable.

The foreshortening of the usual consultation and public engagement process is a risk and heightened consultation with the affordable housing providers to understand the issues they encounter in realising Jersey's desperate need for housing must be adequately addressed.

There has been a tendency in the past to re-zone green field sites as a quick win solution and at the same time giving landowners an enormous uplift in value with no compulsion to develop. My observation is that we must ensure States owned sites are developed first, prior to considering any green field re-zoning applications.

I would urge the Minister in this plan to consider planning errors made in the past and learn from them, as so often we see history in the guise of poor planning decisions being repeated.

A handwritten signature in blue ink that reads "Jackson".

**Connétable Mike Jackson**  
**Chairman**  
**Environment, Housing and Infrastructure Scrutiny Panel**

# Executive Summary

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By Law, the Minister for the Environment must bring forward a plan that *'provides for the orderly, comprehensive and sustainable development of the land which best meets the needs of the community'*. The next 10-year Island Plan was due to span 2021-2030. However, the COVID-19 pandemic disrupted the operations of government, leading not only to a delay in the Island Plan Review process but also a re-evaluation of the duration of the Plan. The Minister for the Environment therefore proposed that the next Island Plan should serve as a shorter-term 'bridging' plan (2022-2024) between the current Island Plan and the next 10-year Island Plan (2025-2034).

The Minister's rationale for doing so is to allow for significant progress to be made in this term of government to address key community planning challenges and in those areas where there is relative certainty (such as short-term housing needs, urban improvements, sustainable development). Furthermore, for targeted short-term interim policy to be developed and applied in those areas where there is less certainty about the medium- to long-term future (such as the economy and population).

The Panel was keen to ensure that the proposed changes to the Island Plan Review process and their potential impact should be scrutinised and explored carefully to mitigate, as far as possible, against any adverse implications that might arise. Consequently, the Panel launched its review in August 2020.

In order for a short-term bridging Plan to be considered and approved by the States Assembly before the 2022 election, changes to the Planning and Building (Jersey) Law 2002 are required. These changes are proposed under the Draft COVID-19 (Island Plan) Regulations 202- [P.168/2020] and are due for the States to debate on 9<sup>th</sup> February 2021. If approved by the States Assembly, this will enable the Minister for the Environment to temporarily change the process by which the draft Island Plan would ordinarily be lodged and debated. A particular concern is the change to the consultation and lodging process, from that of a linear process, to a twin-tracked process, whereby the public consultation would run at the same time as lodging the draft Island Plan. There is a risk that despite the 12-week period for amendments, this would not be satisfactory to States Members who may wish to bring amendments based on feedback gained from the public consultation. Unless there is a meaningful public consultation and adequate time to consider the views of those who contribute to the consultation, this could lead to a disenfranchisement of the key individuals and organisations who are considered vital to delivering the outcomes of any approved bridging Island Plan and thereby significantly inhibiting the success of the plan.

The Panel has therefore recommended that the Minister for the Environment should ensure that the public consultation period is as thorough and wide-ranging as possible. With proactive steps taken to invite key stakeholders and the general public to submit their views through a variety of forums that COVID-19 restrictions permit. Furthermore, that requests for views are actively targeted where appropriate and widely advertised, in order to stimulate as large a response as possible.

The Panel's review found that the Minister for the Environment had originally intended that the best way forward was to finish the Island Plan in 2022 after the next election, however, it was a decision taken from the Council of Ministers that a condensed bridging Island Plan should be progressed and developed in the current parliamentary term. Furthermore, there is a lack of clarity as to what degree of analysis of all the options was undertaken in order to determine

that this was the most suitable option. The Panel is aware that the Department's Strategic Partner 'Arup' had determined that a 3-year bridging plan was a workable solution. Although, it is unclear as to whether it represented the *most suitable* solution. It was also found that no stakeholder consultation was carried out during the process undertaken to evaluate the options of how to proceed with the Island Plan Review process and ultimately the decision to proceed with a bridging Island Plan.

As a result of these findings the Panel has recommended that the Minister for the Environment should publish, prior to the lodging of the bridging Island Plan, the options that were deliberated by the Council of Ministers with a clear and detailed rationale provided as to why the bridging Island Plan was deemed the favoured option and why alternative options were considered unworkable and consequently rejected.

A recurring theme in submissions made to the Panel was that the current Island Plan should be extended until a 10-year plan was feasible. However, reissuing of the current Island Plan was not considered a workable option as it was considered that there were too many issues and areas which required reviewing with the current plan.

Concerns were also raised in stakeholder submissions as to the uncertainty that a shorter Island Plan might pose and that the process could be used as a means to exploit land use and create detrimental development opportunities. The Minister for the Environment dismissed these concerns, although further explanation on how a shorter bridging Island Plan would ensure sustainable outcomes could not be provided.

In light of these concerns, the Panel has recommended that the Minister for the Environment should ensure that further detail of how a shorter bridging Island Plan will ensure sustainability regarding land use and development is included as a key component of the bridging Island Plan when it is lodged in the States. The hope being that this will help to reassure States Members and the public as to how sustainability will be accomplished. For further added clarity, it is also recommended that the bridging Plan should seek to provide a clear definition of sustainability in the Plan.

A further finding of the Panel's review was that the prioritisation process for assessing what should be included or excluded from a shorter 3-year bridging Island Plan was based on need, particularly any identified development pressures facing the Island. The prioritisation process also involved looking at what assessments, studies or policies are currently available to utilise as an evidence base and to help inform a new bridging plan.

In relation to the development of affordable housing, it was found that housing providers are not able to meet the current demand for housing and that they face obstacles in being able to secure properties or land for development. Furthermore, it is apparent that the current Island Plan is outdated, and the extent of housing provision has become more limited, which poses a challenge to responding to the current housing shortage. Consequently, this has been another factor in prioritising housing as a key component of the proposed bridging Island Plan.

The Panel has recommended that the views of affordable housing providers are proactively sought during the public consultation on the bridging Plan, so as to seek to ensure that the issues they face in being able to secure land for development, and expand provision for affordable housing, are adequately addressed by the policies contained within the Plan. In addition to this, the Council of Ministers should prioritise the identification and provision of affordable housing sites within the public estate and appropriate sites should be released for development within the lifespan of the bridging plan. The Panel considers it is important that the Estates Strategy should feed into and inform the bridging Island Plan and therefore has

further recommended that this should be finalised and published prior to the adoption of a bridging Island Plan.

It has been found that uncertainties created by Brexit and the continuing global pandemic make it difficult to model potential future population and demand figures for in-ward migration. However, whilst it is proposed that the 3-year bridging Island Plan will be ‘decoupled’ from a migration and population policy, the plan will still be based on the best available data and will have regard to any emergent migration policy. The Panel has recommended that a communication drive takes place prior to the public consultation to ensure the right message is given to the public about what it means to ‘decouple’ the migration policy from a 3-year plan and how a shorter plan will still be as robustly informed as possible by various planning assumptions.

It is evident that there are numerous policy areas and identified development needs which will seek to be incorporated into the 3-year bridging plan. However, with a number of competing priorities, it is unclear as to what will need to be scaled back or excluded from the plan in order to have realistic and achievable outcomes within the lifespan of the plan. Concerns expressed by stakeholders are that a bridging Island Plan might be over ambitious in what can realistically be achieved in the limited timescale, as well as how the bridging plan will join up with the next 10-year plan to provide certainty and longevity to those in the building and construction industry. There are also fears that a shorter term plan could create further uncertainty surrounding what the intended long-term focus is for the Island. The Minister for the Environment believes these fears are unwarranted as the bridging plan will aim to have a long-term focus but with targets and numbers based on a shorter period.

The Panel has recommended that an analysis is provided of how each key component of a shorter plan will be deliverable in the shorter timescale, so as to help to instil confidence for the States Assembly and the public that a shorter plan will be able to deliver its intended outcomes. This should also encompass how the bridging plan will interlink with the next full 10-year plan to ensure longevity and certainty for building developments through the lifespan of a project. This should be provided when the bridging plan is lodged to enable this analysis to be considered during the 12-week consultation period. Moreover, that a communications strategy is put in place to advise and assure islanders as to how a bridging plan will still ensure a long-term focus.

We hope the recommendations made in this report will provide some constructive feedback, particularly in ensuring clear communication and stakeholder engagement throughout the review process as it is evident from our findings that public ‘buy-in’ is vital to securing the plan’s success. Furthermore, we hope that our recommendations will help to mitigate some of the potential implications identified should the States Assembly agree to adopt both P.168/2020 and the subsequent draft bridging Island Plan.

## Key Findings

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**KEY FINDING 1:** The high-level strategic aim of the bridging Island Plan is to allow significant progress to be made to address key community planning challenges where there is relative certainty and for targeted short-term policy to be developed and applied in areas where there is less certainty for the medium to long-term future.

**KEY FINDING 2:** There is a possible disconnect between the high-level strategic aims of a bridging Island Plan and how precisely this will be delivered by a shorter plan.

**KEY FINDING 3:** The vision for a bridging Island Plan is informed by a range of sources including: the Common Strategic Policy and other key strategic plans; the findings of key public and stakeholder consultations including Future Jersey; and the emergent work of the Island Identity Policy Development Board.

**KEY FINDING 4:** The bridging Plan will set out a number of policy development proposals, resourced through the Government Plan process and written into departmental business plans, to create the best foundations for the next long-term 10-year plan.

**KEY FINDING 5:** The Council of Ministers requested and approved that a condensed bridging Island Plan should be progressed and developed in the current parliamentary term. However, it is unclear what degree of analysis of all the options was undertaken in order to determine that this was the most suitable option presented to them.

**KEY FINDING 6:** A recurring theme in submissions was that the current Island Plan should be extended until a 10-year plan was feasible. However, reissuing of the current Island Plan until this time was not considered a workable option by the Council of Ministers given that it was considered that there were too many issues and areas which required reviewing in the current plan.

**KEY FINDING 7:** The Minister for the Environment had originally intended that the best way forward was to finish the Island Plan in 2022 after the election, however subsequently chose to implement the advice of the Department's Strategic Partner 'Arup' whose analysis had determined that a 3-year bridging plan was a workable solution. Although it is unclear as to whether it represented the *most suitable* solution.

**KEY FINDING 8:** No stakeholder consultation was carried out during the process undertaken to evaluate options of how to proceed with the Island Plan Review process and, ultimately, the decision to proceed with a bridging Island Plan. Following the decision, briefing sessions were held online to communicate this to stakeholders.

**KEY FINDING 9:** In order for a short-term bridging Island Plan to be considered and approved by the States Assembly before the 2022 election, changes to the Planning and Building (Jersey) Law 2002 are required. These changes are proposed under the Draft COVID-19 (Island Plan) Regulations 202- [P.168/2020] and are due for the States to debate on 9<sup>th</sup> February 2021. If approved by the States Assembly, this will enable the Minister for the Environment to temporarily change the process by which the draft Island Plan would ordinarily be lodged and debated.

**KEY FINDING 10:** The draft Regulations [P.168/2020], if approved, would change the consultation and lodging process from that of a linear process, to a twin-tracked process, whereby the public consultation would run at the same time as lodging the draft Island Plan.

**KEY FINDING 11:** The draft Regulations [P.168/2020], if approved, will not change the process by which members of the public can comment in the public consultation and for their representation to be heard by the planning inspector.

**KEY FINDING 12:** It is acknowledged in R.66/2020 that changes to the overall process will result in more amendments, potentially leading to a complex debate which will need to be well-structured and appropriately managed.

**KEY FINDING 13:** Should the draft Regulations [P.168/2020] be adopted as amended, it will enable States Members to bring forward amendments related to issues raised in the planning inspector's report. However, there would only be scope for the Minister for the Environment to lodge amendments during the States debate itself if the States agree.

**KEY FINDING 14:** The draft Regulations, if adopted, would outline a requirement for the development of a longer-term Island Plan to be prepared and brought forward within a reasonable timeframe of the bridging Island Plan coming to an end. The existing plan would remain in effect until a new plan is approved.

**KEY FINDING 15:** Should the draft Regulations [P.168.2020] be approved by the States, new Order-making powers would be extended to enable a new Order to be drafted which would enable detailed provision for the procedures by which representations made by the public and States' Members proposed amendments would be heard by the planning inspector.

**KEY FINDING 16:** Fears were raised in stakeholder submissions as to the uncertainty of a shorter Island Plan and that the process might be used as a means to exploit land use and create detrimental development opportunities. The Minister for the Environment dismissed these concerns, although further explanation on how a shorter bridging Island Plan would ensure sustainable outcomes was not provided.

**KEY FINDING 17:** There is a perceived risk amongst some States Members and stakeholders that unless there is a meaningful public consultation and adequate time to consider the views of those who contribute to the consultation, this could lead to a disenfranchisement of the key individuals and organisations who are considered vital to delivering the outcomes of any approved bridging Island Plan and thereby significantly inhibit the success of the plan.

**KEY FINDING 18:** The prioritisation process for assessing what should be included or excluded from a shorter 3-year bridging Island Plan was based on need, particularly any identified development pressures facing the Island. The prioritisation process also involved looking at what assessments, studies or policies are currently available to utilise as an evidence base which will help inform a new bridging plan.

**KEY FINDING 19:** The Objective Assessment of Housing Need Report forms part of the core evidence base on which Jersey's housing requirement has been prioritised and is therefore included in the proposed bridging Island Plan

**KEY FINDING 20:** Affordable Housing Providers are not able to meet the current demand for housing and face obstacles in being able to secure properties or land for development.

**KEY FINDING 21:** The current Island Plan is outdated and the extent of housing provision has become more limited which poses a challenge to responding to the current housing shortage and consequently has been another factor in prioritising housing as a key component of the proposed bridging Island Plan.

**KEY FINDING 22:** The public estate has the potential to provide suitable sites for the development of affordable housing, however there is a lack of coordination and long delays in

being able to make decisions on the use of these sites, driven in part by delays in the office accommodation project and the site decision for the future hospital.

**KEY FINDING 23:** A bridging Island Plan, if approved, will play a vital role in the planning application process for a new hospital. However, should the Plan not be approved, a contingency option to enable the hospital's planning application to be considered via Supplementary Planning Guidance has been provided for and so that no undue further delay is caused to the delivery of a new hospital.

**KEY FINDING 24:** Uncertainties created by Brexit and the continuing global pandemic make it difficult to model potential future population and demand figures for in-ward migration.

**KEY FINDING 25:** Whilst it is proposed that the 3-year bridging Island Plan will be 'decoupled' from a migration and population policy, the plan will still be based on the best available data and will have regard to any emergent migration policy.

**KEY FINDING 26:** Issues surrounding land use are expected to be addressed in the next bridging Island Plan, although it is unclear at this stage precisely how they will be prioritised and addressed in the plan. Although it is acknowledged that this will likely be deliberated and decided upon as part of the public consultation provided for in the Island Plan Review process.

**KEY FINDING 27:** A broad planning assumption of average annual population growth of +1,000 has been used to inform relevant infrastructure studies.

**KEY FINDING 28:** A bridging Island Plan will take into consideration infrastructure requirements over a 15-year period but will focus on prioritising schemes that are most likely to come forward for a planning decision with the 3-year lifespan of the bridging Island Plan.

**KEY FINDING 29:** A bridging Island Plan will recognise that the States Assembly has declared a climate emergency. The plan will facilitate new programmes and policies in line with the intended aims of the Carbon Neutral Strategy and Sustainable Transport Plan as both these workstreams continue to be developed and so as to ensure long-term environmental sustainability.

**KEY FINDING 30:** The urban development of St. Helier will be a key focus for the bridging Island Plan, as will other urban parts of the island. An urban character study is being undertaken to inform this element of the bridging plan.

**KEY FINDING 31:** The Shoreline Management Plan will seek to identify, as a starting point, where sea defences need improving or extending, and this assessment will be realised within the lifespan of the bridging plan. This will be used as a foundation for any longer-term investment which may be required in the next 10-year Island Plan.

**KEY FINDING 32:** The bridging Island Plan will adopt a new Integrated Landscape and Seascape Character Assessment (ILSCA) to establish a new long-term policy regime which will seek to protect the island's most sensitive coast and countryside, as well as sympathetic development of greenfield land where appropriate. The plan will also incorporate the St Brellade Character Study and its focus on considering options to conserve the bay's character.

**KEY FINDING 33:** There are numerous policy areas and identified development needs which will seek to be incorporated into the 3-year bridging plan. However, with so many competing priorities, it is unclear what will need to be scaled back or excluded from the plan in order to have realistic and achievable outcomes within the lifespan of the plan.

**KEY FINDING 34:** Concerns were expressed by stakeholders, and shared by the Panel, that a bridging Island Plan might be over ambitious in what can realistically be achieved in the

limited timescale, as well as how the bridging plan will join up with the next 10-year plan to provide certainty and longevity to those in the building and construction industry.

**KEY FINDING 35:** There are some fears that a shorter term plan could create further uncertainty about the long-term focus for the Island. The Minister for the Environment believes these fears are unwarranted as the bridging plan will aim to have a long-term focus but with targets and numbers based on a shorter period.

**KEY FINDING 36:** The Minister for the Environment has given his assurances that the risk of key Island Plan policy staff being diverted to deal with the COVID-19 pandemic is very low and that staff will continue to be available to lead on Island Plan review process and see it through to its completion.

**KEY FINDING 37:** The costs allocated to fund the initially anticipated 10-year plan are anticipated to be required in full for the shortened 3-year bridging plan. Whilst the Minister anticipates that some of this work will not need to be repeated in the subsequent 10-year plan (therefore incurring further cost) it is uncertain at this stage what the updated cost of a subsequent 10-year plan will be.

# Recommendations

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**RECOMMENDATION 1:** The Minister for the Environment should publish, prior to the lodging of the bridging Island Plan, the options that were deliberated by the Council of Ministers with a clear rationale provided as to why the bridging Island Plan was deemed the favoured option and why alternative options were considered unworkable and consequently rejected.

**RECOMMENDATION 2:** The Minister for the Environment should ensure that detail of how a shorter bridging Island Plan will ensure sustainability in regard to land use and development is a key component of the bridging Island Plan when it is lodged in the States, so as to reassure States Members and the public about how this will be realised. For added clarity, the bridging Plan should seek to address the definition of sustainability under the plan.

**RECOMMENDATION 3:** The Minister for the Environment and the Department for Strategic, Policy, Planning and Performance should ensure that the public consultation period is as thorough and wide-ranging as possible. With proactive steps taken to invite key stakeholders and the general public to submit their views through a variety of forums that COVID-19 restrictions permit. Furthermore, that requests for views are actively targeted where appropriate and widely advertised, in order to stimulate as large a response as possible.

**RECOMMENDATION 4:** The Minister for the Environment and the Department for Strategic Policy, Planning and Performance should proactively seek the views of Affordable Housing Providers during the public consultation on the bridging Island Plan, to ensure that the issues they face in being able to secure land for development, and thus expand provision for affordable housing, are adequately addressed by the policies contained within a bridging Island Plan.

**RECOMMENDATION 5:** The Council of Ministers should prioritise the identification and provision of affordable housing sites within the public estate and appropriate sites should be released for development within the lifespan of the bridging Island Plan.

**RECOMMENDATION 6:** The Estates Strategy should feed into and inform the bridging Island Plan and, therefore, the Council of Ministers should seek to finalise and publish its long-awaited Estates Strategy prior to the adoption of a bridging Island Plan.

**RECOMMENDATION 7:** The Minister for the Environment should ensure that, prior to the public consultation, a further communication drive takes place to get the right messaging across as to what it means to ‘decouple’ the migration policy from a 3-year plan and how a shorter plan will still be as robustly informed as possible by various planning assumptions.

**RECOMMENDATION 8:** The Minister for the Environment should provide a clear ‘SMART’<sup>1</sup> analysis of how each key component of a shorter plan will be deliverable in the shorter timescale, so as to help to instil confidence in the States Assembly and the public that a shorter plan will be able to deliver its intended outcomes. This should also encompass how the bridging plan will interlink with the next full 10-year plan to ensure longevity and certainty for building developments through the lifespan of a project. This should be provided when the bridging plan is lodged to enable this analysis to be considered during the 12-week consultation period.

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<sup>1</sup> S – Specific, M – Measurable, A – Achievable, R – Realistic, T – Timely

**RECOMMENDATION 9:** A communications strategy should be put in place to advise and assure islanders about how a bridging plan will still ensure a long-term focus. This should take place before and during the public consultation, to ensure that the public are fully informed and given greater assurance about how a shorter plan will still have a long-term strategic focus.

# 1 Introduction

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## Background and context

The Minister for the Environment is charged, in law, to bring forward a plan that '*provides for the orderly, comprehensive and sustainable development of the land which best meets the needs of the community*'. The current Island Plan was prepared between 2007 and 2010 and approved by the States Assembly in June 2011 to cover the period 2011-2020. An interim review of the 2011 Island Plan was undertaken to revise parts of it in 2014. Work began on the current Island Plan Review in 2018, with a view to shaping the next intended 10-year Island Plan 2021-2030.

However, the COVID-19 pandemic disrupted the operations of government, leading not only to the delay in the Island Plan Review process but also a re-evaluation of the duration of the next Island Plan owing to the uncertainty created by the impact of the pandemic. The Minister for the Environment has therefore proposed that the next Island Plan should serve as a shorter-term 'bridging' plan (2022-2024) between the current Island Plan and the next 10-year Island Plan (2025-2034).

The Minister contends that this allows for significant progress to be made in this term of government to address key community planning challenges and in those areas where there is relative certainty (such as short-term housing needs, urban improvements, sustainable development). Furthermore, for targeted short-term interim policy to be developed and applied in those areas where there is less certainty about the medium- to long-term future (such as the economy and population).

Changes would be required to the various processes and stages of the Island Plan Review programme to enable the development of a bridging Island Plan before the end of the current parliamentary term in May 2022. It is further noted that it is deemed necessary to 'decouple' the proposed Plan from longer-term policies which are yet to be determined, such as migration and population policy.

The Minister proposes that the draft Island Plan be lodged *au Greffe* at the same time that it is published for public consultation. Under normal circumstances, the Minister would publish a draft Island Plan for public consultation and then lodge a revised draft Island Plan *au Greffe* for States Members to consider making amendments. The Panel is concerned that changes to the usual process were likely to lead to a greater number of amendments and a potentially complex debate which would need to be clearly structured.

The Panel was keen to ensure that the proposed changes to the Island Plan Review process and their potential impact should be scrutinised and explored carefully. Furthermore, that a wide-ranging consultation process should not potentially be compromised on such an important and strategic plan, and that key planning challenges should be addressed. Consequently, the Panel decided to undertake a review to explore the following key issues which have been identified:

- The decision-making process and rationale in formulating a shortened 'bridging' Island Plan spanning 3 years
- The potential impact of that decision, including 'decoupling' the Island Plan from other policies such as a migration and population policy

- Stakeholder engagement including the decision to run parallel consultations with States members and the wider public by lodging the Plan at the same time as the public consultation
- the short and longer-term implications (including cost) of developing a 'bridging' Island Plan, including the prioritisation or deferment of projects such as the provision of affordable housing, infrastructure, urban improvements, and sustainable development provision.

It is important to note that the scope of this review does not extend to analysing the various policies which may or may not be included in a bridging Island Plan, or to evaluate what is deficient in the current Island Plan that requires rectifying or revising in the new bridging plan. This review looks at the proposed Island Plan Review process and how the prioritisation process has been undertaken in relation to what the Plan will aim to include. The Panel's full Terms of Reference for the review can be found in Appendix 1 of this report.

## Review methodology

In order to inform its review, the Panel issued a call for evidence between August and October 2020, seeking the views of the general public and also wrote directly to targeted stakeholders for their views. A total of 14 submissions were received and can be viewed [here](#).

Public Hearings were held with the Minister for the Environment, Minister for Infrastructure and Minister for Children and Housing in September and October 2020. The transcripts for these hearings can be viewed [here](#).

The Panel's review has also been informed by the In-Committee States Debate which was held in July 2020, as well as a raft of policy documentation provided by the Department for Strategic Policy, Planning and Performance.

The Panel has also held monthly briefings with the Minister for the Environment and officers in order to keep abreast of developments throughout the Island Plan Review process. The minutes of these meetings are held privately due to the nature of their Freedom of Information exemption relating to non-disclosure of information associated with policy under development.

## Report structure

**Chapter 2** of this report will address the decision-making process and will explore the aims and rationale for the bridging Plan.

**Chapter 3** will explore the Island Plan Review process, including stakeholder opinions in relation to the change in process, as well as the intention to run a public consultation alongside the lodging of the plan for amendments by States Members.

**Chapter 4** will look at the framework and content of what is proposed to be included or excluded in the bridging Plan. An analysis of the decision to de-couple the plan from wider policy areas such as migration and population policy will also be evaluated.

**Chapter 5** will consider the possible implications of a shortened plan, including any financial implications.

## 2 The decision-making process

### Intended aims of a shorter 3-year plan

The high-level strategic aim of a shorter bridging plan was outlined in the Minister for the Environment's report to the States Assembly ahead of the In-Committee debate held in July 2020 [R.66/2020]. In the report the Minister highlights that:

*...it is no longer possible – or right – to deliver an Island Plan Review as originally envisaged. To best respond to the current context, it is proposed that the next Island Plan should serve as a shorter-term 'bridging' plan between two longer-term plans (i.e. the current Island Plan 2011-2021; and a future Island Plan 2025-2034).*

*This allows for significant progress to be made to address key community planning challenges in this term of government in those areas where there is relative certainty; and for targeted short-term interim policy to be developed and applied in those areas where there is less certainty about the medium- to long-term future.<sup>2</sup>*

**KEY FINDING 1:** The high-level strategic aim of the bridging Island Plan is to allow significant progress to be made to address key community planning challenges where there is relative certainty and for targeted short-term policy to be developed and applied in areas where there is less certainty for the medium to long-term future.

In October 2020, the Minister further published the [Island Plan Preferred Strategy Report](#) which sets out further the vision and purpose of a bridging Island Plan.

The report states that the vision is informed by the strategic purpose of the Island Plan; the ambitions set by ministers in the Common Strategic Policy and other key strategic plans; the findings of key public and stakeholder consultations including Future Jersey; and the emergent work of the Island Identity Policy Development Board.

In a submission made by the Jersey Chamber of Commerce Building and Development sub-Committee, it was commented that the intent of a bridging plan needed clarification<sup>3</sup>

"...After much discussion with our members, we would ask for the intent of the bridging plan to be clarified." [Jersey CoC Building & Development Committee](#)

The Island Plan Preferred Strategy report rightly asserts that the Island Plan has a high-level strategic function, providing specific spatial provisions and policies that are put into effect through the planning process. However, the Panel notes there is a possible disconnect between strategic and practical aims which has made it unclear as to what these intended aims are and how they will be delivered by a shorter bridging plan.

**KEY FINDING 2:** There is a possible disconnect between the high-level strategic aims of a bridging Island Plan and how precisely this will be delivered by a shorter plan.

**KEY FINDING 3:** The vision for a bridging Island Plan is informed by a range of sources including: the Common Strategic Policy and other key strategic plans; the findings of key public

<sup>2</sup> [R.66/2020 – Island Plan In-Committee Debate Report](#)

<sup>3</sup> [Jersey Chamber of Commerce Building and Development Sub-Committee](#)

and stakeholder consultations including Future Jersey; and the emergent work of the Island Identity Policy Development Board.

The [Island Plan Preferred Strategy Report](#) does offer some degree of insight into how the proposed bridging Plan will interlink with the next long-term plan:

*To operate as a bridging Island Plan, it must also create the best foundations for the next long-term Plan from 2025. To do this, bridging Island Plan will set out a number of policy development proposals that will be prioritised over the plan period. These policy development proposals – resourced through the Government Plan process and written into departmental operational business plans – are likely to include:*

- *an appropriate planning response that considers the sustainability of the future economy, having regard to the need to identify and facilitate the development of sustainable and appropriate economic opportunities throughout the island, including urban centres outside of town and the ports;*
- *a comprehensive marine spatial plan - which covers all activities undertaken in the marine environment - to protect and enhance the optimal value of the island's territorial waters to meet environmental and economic objectives in a sustainable way over the longer-term;*
- *more detailed planning for the sustainable development of the island's urban centres outside of St Helier, including parish centres, to ensure the development of sustainable communities and the provision of community facilities; and*
- *the development of new regimes for the better management and protection of the island's historic environments; and for the protection and enhancement of biodiversity, including the regulation system for the protection of trees and enhancement of green infrastructure, including new legislative provision where necessary.<sup>4</sup>*

**KEY FINDING 4:** The bridging Plan will set out a number of policy development proposals, resourced through the Government Plan process and written into departmental business plans, to create the best foundations for the next long-term 10-year plan.

## The rationale and decision-making process

The Panel sought to understand further the rationale for the implementation of a shorter plan and the decision-making process which led to this being the favoured option of the Council of Ministers. In the Public Hearing with the Minister for the Environment, the Panel asked the Minister to outline the process that was taken to reach this decision and what alternative options were considered. The Minister advised the Panel:

***The Minister for the Environment:***

*The original plan just could not work. So the choice was: do we postpone the Island Plan until the next term after the 2022 elections and run on the existing Island Plan? The Council of Ministers were not content to do that. They said: "No, we have to take the Island Plan through." So I said the only way we can do that is to change the scope of the plan and deal with those matters that we desperately need to deal with, which is housing, the hospital and infrastructure, and coastal management. Those are a number of issues and, of course, there are the effects of transport, too. We have to deal with those because the plan is really so out of date it needs to do that. Plus the fact we knew very well that the economy is going to be very different*

<sup>4</sup> [Island Plan Preferred Strategy Report – October 2020](#)

*but we did not know what it was. So, therefore, the question came: can we still plan sensibly for the 10 years? We went back - having got, if you like, the decision of C.O.M. (Council of Ministers) that I have to do a plan - the team and I, with the assistance of our external advisers Arup, to work out a plan of how we would do this and came up with the notion of a transitional plan. We then had to scope how it would work, what the processes would be, and we took that in detail back to the Council of Ministers and the Council of Ministers gave it that support. So we did not commence that work until we had got that green light. Of course, frankly, we have just had to carry on with it. I know you are reviewing this as if, if you like, there are choices. There is not. The position at the moment is that there is absolutely no contingency in the timescale.<sup>5</sup>*

**KEY FINDING 5:** The Council of Ministers requested and approved that a condensed bridging Island Plan should be progressed and developed in the current parliamentary term. However, it is unclear what degree of analysis of all the options was undertaken in order to determine that this was the most suitable option presented to them.

A recurring theme of views expressed in submissions<sup>6</sup> was that the current Island Plan should simply be extended until such time as it was feasible to carry out the next 10-year plan. In the Public Hearing, the Panel questioned the Minister for the Environment as to why the current Island Plan could not simply be reissued, so as to not incur extra cost and until work to undertake and approve a full 10-year plan was feasible. The Minister advised that there were too many areas of the current Island Plan which were no longer viable and which required review. The Panel was advised that whilst not all elements of the existing plan would be abandoned, because it was deemed that they did not need to be changed, it was still not considered suitable to continue with the current plan given the issues that existed.<sup>7</sup>

**KEY FINDING 6:** A recurring theme in submissions was that the current Island Plan should be extended until a 10-year plan was feasible. However, reissuing of the current Island Plan until this time was not considered a workable option by the Council of Ministers given that it was considered that there were too many issues and areas which required reviewing in the current plan.

It was recalled in the Public Hearing that when the Panel was initially first briefed on the options available, the Minister had advised that his favoured option in terms of the best way forward was to finish the Island Plan in 2022, after the election. The Panel was keen to establish what had changed to result in this sudden change in direction. The Minister advised the Panel that following discussion with the Council of Ministers and after seeking advice from the Department's Strategic Partner 'Arup', who provided their analysis and advice that proceeding with a 3-year bridging plan was a workable solution. The Minister advised that in the face of political objectives of ministers and professional advice he felt it was his duty to accept this position and proceed with the 3-year plan.<sup>8</sup>

The Panel requested, and was provided with, Arup's report in confidence. Although, it is noted that this report provides only an analysis of the option to proceed with a condensed 3-year bridging plan and does not provide any analysis which might have pre-ceded this in relation

<sup>5</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 4](#)

<sup>6</sup> Various stakeholder submissions publicly available on [statesassembly.gov.je](http://statesassembly.gov.je)

<sup>7</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 3-4](#)

<sup>8</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 4](#)

to all 3 options which were put forward to the Council of Ministers. It is therefore unclear to what extent Arup might have had involvement in assessing all the options available.

**KEY FINDING 7:** The Minister for the Environment had originally intended that the best way forward was to finish the Island Plan in 2022 after the election, however subsequently chose to implement the advice of the Department's Strategic Partner 'Arup' whose analysis had determined that a 3-year bridging plan was a workable solution. Although it is unclear as to whether it represented the *most suitable* solution.

The Panel was further advised by the Head of Place and Spatial Planning that part of the reason why the initial recommendation to the Council of Ministers was that the Island Plan be progressed into the next term of Government was due to the difficulty with the Planning Law prescribing that:

**Head of Place and Spatial Planning**

*"...the Island Plan review process and, as a consequence of that, the amount of time available to do the sort of linear process of review of the plan that is set out in law would have been very challenging under that timeframe...C.O.M. were quite keen to ensure that the plan was reviewed in the current Government term and basically asked the Minister to look at how we might change the Island Plan review process to enable a review to happen within the current term of Government."<sup>9</sup>*

It was noted that during the scoping and evaluation process of assessing all available options, no stakeholder consultation had been carried out:

**Head of Place and Spatial Planning:**

*In terms of the consultation that was undertaken in terms of the proposal to put forward a bridging plan, I can confirm that there was no stakeholder consultation undertaken at the time of going backwards and forwards to C.O.M. We were in quite a pressured environment to determine a way forward so that we had some clarity moving the plan forward, given that we have a limited amount of time. So nothing was undertaken pre those discussions with C.O.M. But what I would say is that once C.O.M. had made that decision and that the bridging plan as a proposal was accepted, which included some of the changes to the process by which the plan would be lodged and considered by Members, then we did run briefing sessions for stakeholders online and were able to elicit views from the industry and questions around the change to the process. We had good attendance on those calls. Representatives from the development industry, the architects in particular, planning agents who are clearly interested in the Island Plan as a product - it affects their business - they were very much engaged as part of that process and had an opportunity to comment on the process. My view of those calls was that certainly from an industry perspective - and I am talking about the development industry in particular - the choice for them is quite stark in the sense that we either continue with the current plan or we review the Island Plan and we produce a new plan. I think that generally the view in the industry is that parts of the plan do require review. There is an opportunity to do that. Clearly, we find ourselves in unusual times and a short-term bridging plan is an appropriate response to the volatility that the Island finds itself in."<sup>10</sup>*

<sup>9</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 7-8](#)

<sup>10</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 7-8](#)

The noticeable lack of consultation was commented on by the Jersey Chamber of Commerce Building and Development Sub-Committee<sup>11</sup>:

"In summary there has been cursory communication about the timeline and content of the Bridging Island Plan, but no consultation on the more substantial points, these being the merit and logic of a Bridging Island Plan as an interim solution." [Jersey CoC Building & Development Committee](#)

**KEY FINDING 8:** No stakeholder consultation was carried out during the process undertaken to evaluate options of how to proceed with the Island Plan Review process and, ultimately, the decision to proceed with a bridging Island Plan. Following the decision, briefing sessions were held online to communicate this to stakeholders.

The evidence we have available to us shows a political will of the Council of Ministers to have a new Island Plan approved before the election in 2022 and whilst a condensed 3-year plan appears to be endorsed by the Department's advisor and Strategic Partner, Arup, it is unclear to what extent, if any, independent advice was sought to determine whether the 3-year plan was *the most* suitable option or just one that could be made to work. We would have expected to see an independent report exploring all the options and an evaluation of their advantages and limitations. Instead, the report which has been shared with us shows an analysis of one option only and concluding that it would be workable. We therefore somewhat doubt the robustness of the decision-making process in this regard. We would recommend that in order to instil faith and 'buy in' from States Members and the general public that the condensed 3-year plan is indeed the most suitable option, we would ask the Minister to publish details of the process and outcome of the evaluation methods utilised to consider all the options and to reach the decision to proceed with implementing the 3-year condensed bridging plan.

**RECOMMENDATION 1:** The Minister for the Environment should publish, prior to the lodging of the bridging Island Plan, the options that were deliberated by the Council of Ministers with a clear rationale provided as to why the bridging Island Plan was deemed the favoured option and why alternative options were considered unworkable and consequently rejected.

## 3 The Island Plan review process

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### The Review Process

As a consequence of the delay to the original Island Plan Review programme caused by the pandemic, the Minister for the Environment sets out in R.66/2020 that delivering a new Island Plan before the scheduled elections in May 2022 necessitates a change in the process for its review and approval. It is contended that this does not alter the time available for the public to consider and make representations against a draft Island Plan; neither does it affect the requirement for independent planning inspectors to hold an Examination in Public (EiP) of the draft Island Plan and the representations made in relation to it. Similarly, there is no change

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<sup>11</sup> [Jersey Chamber of Commerce Building and Development Sub-Committee Submission](#)

to the Island Plan being debated and approved by the States Assembly.<sup>12</sup> Appendix 2 set out the anticipated bridging Island Plan 2022-24 review process / timeline.

In order to adopt the revised process, the Planning and Building (Jersey) Law 2002 will need to be amended as set out in the Draft COVID-19 (Island Plan) Regulations 202- outlined below.

## Draft COVID-19 (Island Plan) Regulations 202-

The [Draft Covid-19 \(Island Plan\) \(Jersey\) Regulations 202-](#) [P.168/2020]<sup>13</sup>- (hereafter the 'draft Regulations') was lodged *au Greffe* by the Minister for the Environment on 22<sup>nd</sup> December 2020 and is scheduled for States debate on 9<sup>th</sup> February 2021. The draft Regulations would amend Part 2 of the Planning and Building (Jersey) Law 2002 to make changes to the process by which the Minister for the Environment lodges policy proposals in relation to the development and use of land in Jersey. The changes would enable the Minister to lodge the interim short-term draft Plan, namely, the draft bridging Island Plan. The draft Regulations would commence the day after they are made.

**KEY FINDING 9:** In order for a short-term bridging Island Plan to be considered and approved by the States Assembly before the 2022 election, changes to the Planning and Building (Jersey) Law 2002 are required. These changes are proposed under the Draft COVID-19 (Island Plan) Regulations 202- [P.168/2020] and are due for the States to debate on 9<sup>th</sup> February 2021. If approved by the States Assembly, this will enable the Minister for the Environment to temporarily change the process by which the draft Island Plan would ordinarily be lodged and debated.

The draft Regulations, if adopted, would allow the Minister to make temporary and finite changes to the primary law that establishes the processes for the lodging of a draft Island Plan and how amendments to it may be proposed. To enable the progression of the bridging Island Plan, these changes would be required as the process by which the draft Island Plan is consulted upon, independently examined, amended and debated before being approved by Members of the States Assembly is set out in primary and secondary legislation.

Following discussions with States Members, the Minister for the Environment lodged an [amendment](#)<sup>14</sup> to the draft Regulations on 26<sup>th</sup> January 2021. The amendment seeks to increase the scope of amendments for States Members through enabling them to make amendments to matters raised within the inspector's report, thus after the Examination in Public and after the publication of the planning inspector's report. However, as a result of this change, it would no longer be permissible for State Members to lodge amendments during the States debate of the Plan. The opportunity to lodge amendments at that stage would only be permissible to the Minister for the Environment, thereby restoring the scope of this particular provision to that which exists in the current legislation.

The main changes that would be brought by the enactment of the draft Regulations would include changes to the consultation and lodging process, public consultation, States Members' amendments and the Plan period.

**Consultation and Lodging Process** – *the draft Regulations would change this from that of a linear process, to a twin-tracked process, whereby the public consultation would run at the same time as lodging*

<sup>12</sup> [R.66/2020 – Island Plan In-Committee Debate Report](#)

<sup>13</sup> [Draft Covid-19 \(Island Plan\) \(Jersey\) Regulations 202-](#)

<sup>14</sup> [Draft Covid-19 \(Island Plan\) \(Jersey\) Regulations 202- \(P168/2020\): Amendment](#)

For the review of the Island Plan, the normal process dictates that the initial draft Island Plan is published for public consultation and then an Examination in Public by an independent planning inspector, prior to the Minister for the Environment lodging the revised draft Island Plan, to which State Members would then propose any amendments. However, as a consequence of the reduced timescale, this linear process would not be possible. Therefore, the draft Regulations propose changes so that the draft Island Plan can be lodged and issued for public consultation simultaneously, rather than in succession.

The Panel raises its concerns in relation to running the public consultation at the same time as the lodging period (despite this being extended to 12 weeks), due to the risk that this would not be satisfactory to States Members who may wish to bring amendments based on the feedback gained from the public consultation.

**KEY FINDING 10:** The draft Regulations [P.168/2020], if approved, would change the consultation and lodging process from that of a linear process, to a twin-tracked process, whereby the public consultation would run at the same time as lodging the draft Island Plan.

**Public Consultation** – *the draft Regulations would not change this process*

The public consultation would be unaffected by the draft Regulations. A 12-week consultation period would be in place for members of the public to comment on the draft Island Plan, for their representation to be heard by the planning inspector and considered in the inspector's report, which would be issued to the Minister for the Environment and published prior to the debate of the Plan.

**KEY FINDING 11:** The draft Regulations [P.168/2020], if approved, will not change the process by which members of the public can comment in the public consultation and for their representation to be heard by the planning inspector.

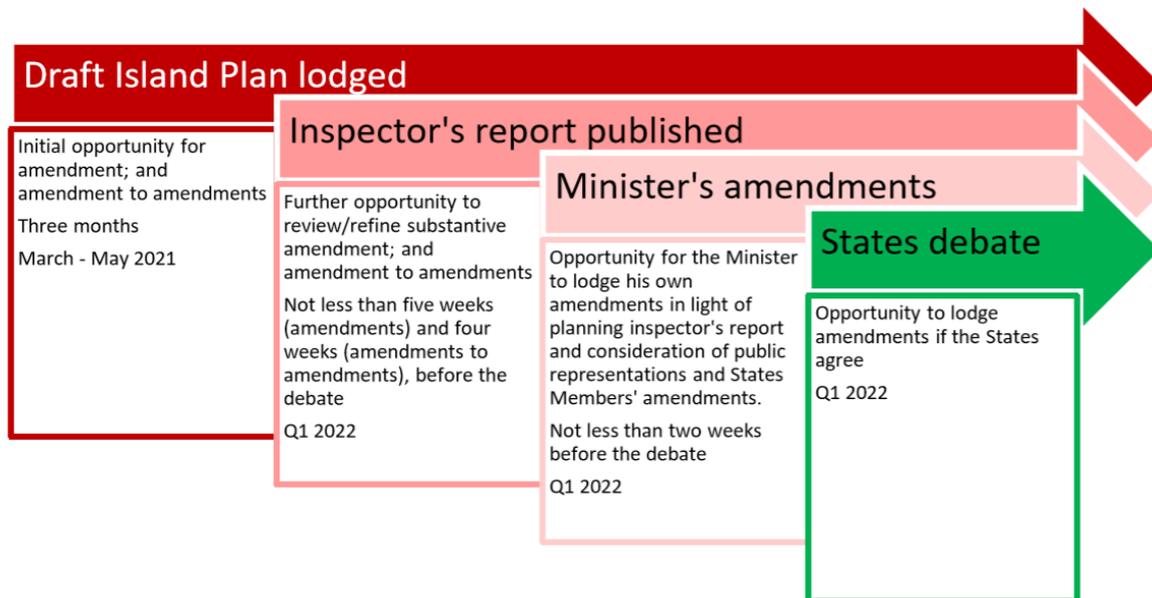
**States Members' Amendments** – *the draft Regulations would change this process*

The draft Regulations would alter the timing and opportunity for States Members to propose amendments to the draft Island Plan. Not only would States Members have a 12-week period to propose amendments from when the draft Plan is lodged, in addition, the draft Regulations would allow States Members a window of opportunity to refine or further amend their substantive amendments, once the Minister has published the planning inspector's report. Furthermore, amendments to amendments would also be possible. The draft Regulations would also enable the Minister for the Environment to propose amendments to the draft Island Plan, once the planning inspector has considered the public representations and the States Members' amendments. Prior to the proposed amendment<sup>15</sup> by the Minister for the Environment, the draft Regulations would have enabled any States Member to lodge amendments during the debate of the Plan. However, if amended, this provision would only be permissible for the Minister for the Environment which would be reflective of the process under the existing legislation.

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<sup>15</sup> [Draft Covid-19 \(Island Plan\) \(Jersey\) Regulations 202- \(P168/2020\): Amendment](#)

As set out in P.168/2020, by the draft Regulations being enacted the process for lodging the Island Plan would be as follows:



It was acknowledged in R.66/2020 that these changes to the overall process will result in more amendments which has the potential to present some complexity and will require appropriate management to ensure the debate is well-structured and clear.<sup>16</sup>

**KEY FINDING 12:** It is acknowledged in R.66/2020 that changes to the overall process will result in more amendments, potentially leading to a complex debate which will need to be well-structured and appropriately managed.

Following the Minister of the Environment's amendment to the draft Regulations, should the proposition be adopted as amended, the process would instead be as follows (changes highlighted in red text):

<sup>16</sup> [R.66/2020 – Island Plan In-Committee Debate Report](#)



**KEY FINDING 13:** Should the draft Regulations [P.168/2020] be adopted as amended, it will enable States Members to bring forward amendments related to issues raised in the planning inspector's report. However, there would only be scope for the Minister for the Environment to lodge amendments during the States debate itself, if the States agree.

**Plan Period** – *the draft Regulations would change this process*

The draft Regulations would set a requirement for the development of a longer-term Island Plan to be prepared and to be brought forward within a reasonable time of the end of the period covered by the bridging Island Plan. Although, new provisions to the Planning and Building (Jersey) Law 2002 would not clarify a rigid time limit for a new Plan to be brought forward, it would make it explicit that an existing Island Plan would remain in effect until such time a new Plan was approved.

**KEY FINDING 14:** The draft Regulations, if adopted, would outline a requirement for the development of a longer-term Island Plan to be prepared and brought forward within a reasonable timeframe of the bridging Island Plan coming to an end. The existing plan would remain in effect until a new plan is approved.

### **Planning and Building (Island Plan) Order 2009**

As part of the process, the Order-making powers would be extended to enable a new Order to be drafted, similar to the Planning and Building (Island Plan) (Jersey) Order 2009. This would enable detailed provision to be made for the procedures by which both representations from the public as to the draft bridging plan and the States Members' proposed amendments to that plan, would be heard by a planning inspector. The Minister would consider those representations and amendments in making any amendments to the draft bridging Island Plan.

Regarding the amendment lodged by the Minister for the Environment to P.168/2020, it was noted that although the opportunity for States Members' amendments would be created by the draft Regulations, subsequent changes to the Order would specify how these amendments would be made.

**KEY FINDING 15:** Should the draft Regulations [P.168.2020] be approved by the States, new Order-making powers would be extended to enable a new Order to be drafted which would enable detailed provision for the procedures by which representations made by the public and States' Members proposed amendments would be heard by the planning inspector.

## Stakeholder Opinions

Submissions<sup>17</sup> made to the Panel's review convey mixed views about the approach to have a shorter plan. Some understood the need for a bridging island plan and were in favour of the approach. Others were not supportive and shared their concerns:



"I think the decision to adopt a bridging Island Plan instead of rushing a fully fledged island plan is a good decision. The Island Plan is an incredibly important policy document and due to the pandemic it does not make sense to rush it, ending up with a half-baked policy that lasts for 10 years but deals with a situation that is hopefully only temporary." [Anon](#)



"My main concern in a "bridging" Island Plan is that it will provide opportunities for individuals and businesses to exploit the incredibly finite land of Jersey for financial gain, in turn sacrificing the community and holistic benefits of existing land uses the community benefits from." [Anon 3](#)



"...the importance of the Island Plan in affordable housing terms cannot be underestimated and it is encouraging that a bridging Island Plan has been proposed because the Island Plan itself is delayed." [Andium Homes](#)



"Having thought about this for some time I now feel that it would not be appropriate to have a 3 year plan. We already have an Island Plan. As drafting a new one has been disrupted and we are missing an essential dependency – the population policy - I suggest that the existing Island Plan is extended for a limited period – say one year." [Anon 2](#)



"In the context of the Covid-19 crisis and with the lack of a States agreed population and migration strategy there seems little alternative but to consider a shorter-term bridging plan (2020-2024) whilst the consequences of these elements become somewhat clearer" [Jim Hopley](#)



"A full new Plan developed at speed to bridge the gap but only for a short number of years is in our opinion, a far greater risk to the island than the above option as policies may be brought in that have not been fully explored and could damage an economy trying to proceed through and recover from a previously unseen set of issues. [Jersey CoC Building & Development Committee](#)

<sup>17</sup> Submissions are publicly available to read in full on [statesassembly.gov.je](https://statesassembly.gov.je)

In light of concerns raised in submissions received as to the potential uncertainty created by a shorter plan, the Panel raised these concerns with the Minister for the Environment in the Public Hearing and was advised the following by the Head of Place and Spatial Planning:

**Head of Place and Spatial Planning:**

*...this is a plan that will not just focus on the short term. It will be an opportunity to identify and acknowledge that there are longer-term challenges that lie ahead and start to explore some of the opportunities that the Island might pursue to address some of those longer-term challenges. So, definitely this plan will not be set in a limited, short-term context. I think as well there is an opportunity to explore with stakeholders who will be engaged through the process, through the consultation process on the plan, to look at the direction that new policy will be taking. So they will have an opportunity to have an input into that as well. Certainly, we have a number of work streams that are going ahead to inform the plan preparation and certainly a wide spectrum of stakeholders are engaged in those pieces of work.<sup>18</sup>*

The Panel further raised concerns mentioned in submissions<sup>19</sup> that a shorter bridging plan might be used as a mechanism to exploit land use and create detrimental development opportunities and pressed the Minister on how a bridging plan would ensure sustainable development. The Minister dismissed these concerns as being “unjustified” and advised that work was ongoing as to the detail of the bridging Island Plan and this would be published following Council of Ministers’ discussion.<sup>20</sup>

Whilst the Panel appreciates that work is ongoing to bring forward the detail of the bridging Island Plan, it considers that given that the Council of Ministers’ decision to proceed with a shorter plan was made in mid-2020, further communication to the public of how the decision was arrived at and how a shorter plan would ensure future sustainability, might conceivably have helped to allay concerns or fears that a shorter plan would be utilised to exploit land use and advance detrimental development opportunities.

**KEY FINDING 16:** Fears were raised in stakeholder submissions as to the uncertainty of a shorter Island Plan and that the process might be used as a means to exploit land use and create detrimental development opportunities. The Minister for the Environment dismissed these concerns, although further explanation on how a shorter bridging Island Plan would ensure sustainable outcomes was not provided.

**RECOMMENDATION 2:** The Minister for the Environment should ensure that detail of how a shorter bridging Island Plan will ensure sustainability in regard to land use and development is a key component of the bridging Island Plan when it is lodged in the States, so as to reassure States Members and the public about how this will be realised. For added clarity, the bridging Plan should seek to address the definition of sustainability under the plan.

## Public Consultation

One change that is proposed to the process to enable it to be completed before the end of the current term of Government, is that the draft Island Plan is lodged, at the same time that it is

<sup>18</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 8](#)

<sup>19</sup> Submissions are publicly available to read in full on [statesassembly.gov.je](http://statesassembly.gov.je)

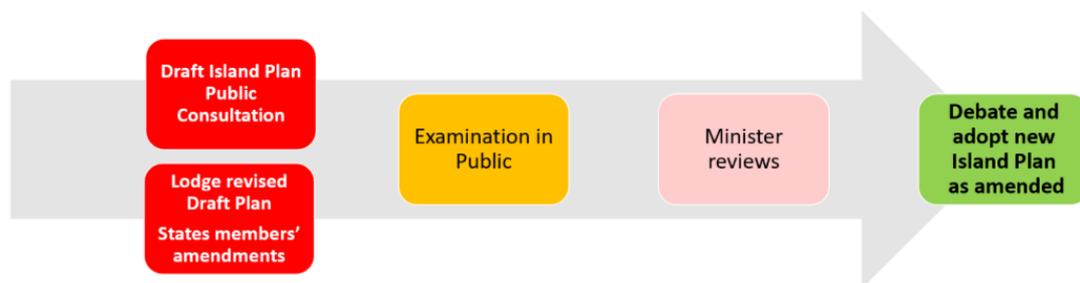
<sup>20</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 8-9](#)

published for public consultation. As discussed earlier in this report, under normal circumstances, the Minister would publish a draft Island Plan for public consultation and then, following an Examination in Public, lodge a revised draft Island Plan to enable States Members to consider making amendments. This change is further illustrated below:

**Current**



**Proposed**



This is arguably a notable difference in approach to the usual Island Plan Review Process with a public consultation running in parallel with the lodging of the Plan in the States. Possible implications of this were raised in the In-Committee debate in July 2020 where it was highlighted that this approach could lead to a negative perception of Government driving the plan through:

**Deputy K.F. Morel of St. Lawrence:**

*...The idea of this Bridging Plan, yes, fine, circumstances perhaps dictate it but I fear there is a chance that very little of it will be achieved. On the positive side, it does mean that any problems with it can be revised quite quickly in 3 years' time. There is a problem with the Bridging Plan that it will create a level of uncertainty because we know we will be going straight into a new debate very shortly after the election in 2022 to bring the new plan online. Yes, I understand why it is being done. It is not great but I appreciate the Minister is in this situation. I am however concerned about the consultation period. Deputy Perchard referred to it as being "messy". I could not agree more. If it is not handled very carefully, it could be seen by the public and other States Members that the Government is driving the plan through. If that was to be the feeling about it, then this would undermine Islanders' faith in the plan and, for me, that is the really big issue. There cannot be a sense that the plan is being driven through by publishing that draft and by doing all the consultation at the same time. It will have to be very carefully handled by the Minister to ensure that people feel that it is not just the Government's Island Plan but the Island's Island Plan.<sup>21</sup>*

Further on in the debate the Minister for the Environment responded as follows:

<sup>21</sup> [Island Plan In-Committee Debate - Hansard](#)

### **Deputy J.H. Young**

*...The point raised by Deputy Morel, the perception of the plan being driven by Government of Jersey. He is absolutely right that if that were to happen my past experience tells me the plan would fail. It would probably, I think ... whether it would get through the Assembly, would be in doubt because those people that felt that, I think, would make their voices known and it would not get through a planning inquiry. Again I have probably not explained enough but it is in the documents that the time period for public consultation is unaffected by the way we do this and so the consultation period is still 3 months...<sup>22</sup>*

Deputy Morel's strong advocacy of the importance of the consultation period being carefully conducted are notably echoed by the members of the Jersey Chamber of Commerce Building and Development Sub-Committee<sup>23</sup> who clearly stress this as imperative to the 'buy-in' of the individuals and organisations who will have a significant role in delivering the outcomes of the intended plan.

In the Public Hearing, the Panel sought to question the Minister for the Environment further on how the public consultation would be successfully achieved and what implications might arise:

"The compelling theme in our concerns is that there must be proper consultation and that the input of consultees must be seen to be given fair consideration. Only then will there be broad based buy-in from those individuals and organisations in the private sector that will have such a large part to play in delivering the outcomes intended from the Plan." [Jersey CoC Building & Development Committee](#)

### **The Connétable of St. Brelade:**

*...How do you propose to successfully achieve a thorough public consultation while running this alongside consultation with States Members and other interest groups such as is currently proposed? What implications could arise from running both consultations at the same time?*

### **The Minister for the Environment:**

*Well, obviously I think myself it is not ideal. It puts a lot of pressure on everybody. My expectation is that those 2 processes will interact and I think there is no question that States Members will not walk around with their eyes closed for 13 weeks, or their ears closed. They will listen acutely to what comes out of various stakeholder discussions and so on. That is the challenge I have set the team because I absolutely would not be party to a process that does not include a decent level of stakeholder engagement because it will all fall apart anyway if it got to a planning ... so it is essential we do that...<sup>24</sup>*

In R.66/2020, the Minister contends that this approach maintains the statutory minimum requirements for public and political consultation and that this will be supplemented by an additional programme of member and stakeholder engagement whilst the draft plan is in the process of being prepared whilst recognising the constraints of time and the restrictions associated with the management of the COVID-19 pandemic.<sup>25</sup>

<sup>22</sup> [Island Plan In-Committee Debate - Hansard](#)

<sup>23</sup> [Jersey Chamber of Commerce – Building and Development Sub Committee Submission](#)

<sup>24</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 16](#)

<sup>25</sup> [R.66/2020 – Island Plan In-Committee Debate Report](#)

The Panel shares the view that the consultation period must be carefully and purposefully executed in order to stimulate as much positive stakeholder engagement and that, ultimately, this is crucial to the success of the plan and its deliverability.

**KEY FINDING 17:** There is a perceived risk amongst some States Members and stakeholders that unless there is a meaningful public consultation and adequate time to consider the views of those who contribute to the consultation, this could lead to a disenfranchisement of the key individuals and organisations who are considered vital to delivering the outcomes of any approved bridging Island Plan and thereby significantly inhibit the success of the plan.

**RECOMMENDATION 3:** The Minister for the Environment and the Department for Strategic, Policy, Planning and Performance should ensure that the public consultation period is as thorough and wide-ranging as possible. With proactive steps taken to invite key stakeholders and the general public to submit their views through a variety of forums that COVID-19 restrictions permit. Furthermore, that requests for views are actively targeted where appropriate and widely advertised, in order to stimulate as large a response as possible.

## 4 The framework & prioritisation of policies in the proposed bridging plan

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The proposed strategic framework of the bridging Island Plan will include the following seven strategic policies, the principles underpinning each are laid out further in Appendix 2 of the [Island Plan Preferred Strategy Report](#)<sup>26</sup>:

1. Spatial strategy
2. Planning for community needs
3. Placemaking
4. Responding to climate change
5. Protecting and promoting island identity
6. Protecting and enhancing biodiversity
7. A sustainable economy

As part of its review, the Panel wished to gain a better understanding of the framework and prioritisation process by which various projects and policies would be included, or excluded from a shorter, bridging plan. In particular, but not limited to:

- Affordable Housing
- Future Hospital development
- Migration and Population policy
- Land use

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<sup>26</sup> [Island Plan Preferred Strategy Report – October 2020](#)

In the Public Hearing, the Panel questioned the Minister on how this prioritisation process was undertaken:

**The Connétable of St. Brelade:**

*... Can you outline the prioritisation process of how these particular projects or policies were selected to be either included or excluded from the bridging plan?*

**The Minister for the Environment:**

*It is based on need. I rely on my team's judgment, including our external advisers. In a former life I used to run this sort of project. Obviously, I do not run this project, I take recommendations from the team. I meet with them regularly and we check things out. In terms of formal processes, I think we rely on the judgment. So, again, there is a long list. I have mentioned a few of those pieces. If you want me to rank them in order of importance, they are all important. I am struggling to understand what you really ...*

**The Connétable of St. Brelade:**

*Well, we have seen emphasis being put on St. Brelade's Bay, which from my point of view is fine, but I am just wondering how these particular areas of the Island might be selected in the whole process which you are having to do. Clearly, there will have to be a limit on what can be done within the time available.*

**The Minister for the Environment:**

*Absolutely. Well, thank you for that clarification. I am grateful for that because it is a really important question. I think it is one of the examples where we had to change the scope of the plan because of the limited time. Originally, I wanted all urban areas of the Island to be subjected to a character assessment because I wanted to have a set of policies where we can be more confident that we are not applying a one-size-fits-all and that in areas where there are character differences we have place-making policies and so on that help us achieve that. But we had to be selective. There are a number of areas which one would loosely call conservation areas where we do not have that power, but those areas have had to be selected. St. Brelade's Bay is a key tourism area, there is no question about it. It is one of our prime assets. So we tried to do those and also the urban areas. That has been a pragmatic decision and I have to be honest, my Assistant Minister, Deputy Tadier, did suggest that we include, for example, the Les Quennevais area, which I would have really loved to be able to do a comprehensive area study because I think that area would benefit from a structured forward plan.*

...

**Head of Place and Spatial Planning:**

*...The decision about what is progressed in terms of what work needs to be undertaken is really a matter of looking at what the development pressures, what the Island's needs are and what pieces of work already exist. Clearly, where there is up-to-date evidence, then we can use that, particularly if that is already existing within government, and we are doing that, liaising with colleagues across government to draw on existing pieces of work to inform the Island Plan. But where studies and evidence is deficient, then we would seek to renew that. What I would say is that we would not necessarily do that each time we do an Island Plan review. A good example of that is*

*the Minister has touched on the countryside character appraisal. That was last undertaken in 1999. It informed the 2002 Island Plan. It also informed the 2011 Island Plan. We feel it is now somewhat long in the tooth. Methodologies have changed, the Island has changed, and we have refreshed that. We have undertaken a broader piece of work now to look at both landscape and seascape character assessment. So that is one of the evidence bases that has been reviewed this time around. When we review the Island Plan again, I suspect we will not need to refresh that piece of work at that time. So, it is those sorts of decisions that are made. Another example is the mineral strategy. That was a 20-year mineral strategy that was produced last time around. That is coming to the end of its duration, if you like, so there is a need to refresh that piece of work. So, it is principally in response to the community's needs, the Island's needs, and development pressures in terms of what pieces of evidence we need to undertake to refresh the plan...<sup>27</sup>*

**KEY FINDING 18:** The prioritisation process for assessing what should be included or excluded from a shorter 3-year bridging Island Plan was based on need, particularly any identified development pressures facing the Island. The prioritisation process also involved looking at what assessments, studies or policies are currently available to utilise as an evidence base which will help inform a new bridging plan.

## Affordable Housing



It is evident that addressing the shortage of affordable homes is intended to be one of the key priorities of the 3-year bridging plan. This has been prioritised under the proposed strategic policy 'planning for community needs.' The evidence base used to inform this as a key area of prioritisation for the bridging plan is largely a result of the findings of the Objective Assessment of Housing Need Report (OAHNR) which concluded that, based on a baseline assumption of +1,000 inward migration, circa 7,000 homes would be required between 2021-30. The OAHNR further emphasises that regardless of migration, further housing provision is required, as people live longer and household size continues to reduce.

Given that a bridging Island Plan will be in place for a shorter timeframe, the plan will work to a five year housing development target of 3,950 homes, as set out in further detail in the [Island Plan Preferred Strategy Report](#), where it is stated that 3,750 units of accommodation will need to be provided by the Island Plan, and 200 homes, to be delivered by new housing policies which enable better use of existing housing stock, over the next 5 years.<sup>28</sup>

<sup>27</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 10-11](#)

<sup>28</sup> [Island Plan Preferred Strategy Report – October 2020](#)

In addition to forecasting the number of homes that will be required over the next 10 years, the OAHNR also assessed the type of housing required in relation to tenure (non-qualified; owner occupier; qualified rent; social rent). It concluded that there is significant demand for larger 3 and 4 bedroom homes for purchase across all scenarios (as an example, 45% of homes in a +700 population growth scenario).

“...at present the Gateway is not accessible by certain groups of the residentially ‘Entitled’ population, most notably singles and couples under the age of 50 without children or those with a household income of more than £40,000 p.a. (this criteria is under review by the Minister for Children and Housing). Should the criteria be altered, as we fervently believe it should to admit this group, demand will grow significantly.”

– [Andium Homes](#)

In a submission from Andium Homes<sup>29</sup> the housing provider explains that the 700 homes currently in development and the 40 or so homes that they can sell each year does not meet the demand for affordable housing as evidenced by the Affordable Housing Gateway statistics. The housing provider further asserts that the currently narrow eligibility criteria of the Affordable Housing Gateway is potentially masking housing demand and that if it is reviewed with a view to widening the scope of the criteria, as they believe it should, then this will also see demand for housing grow significantly. Andium Homes further stressed the importance of the Island Plan in delivering affordable homes:

*The Island Plan is the principle means by which Jersey has set out policies, most notably for the rezoning of land, in response to increases in the demand for homes and affordable homes specifically. The nature of Island Plans and their usual 10-year timeframe inevitably means that there tends to be a somewhat start / stop approach to the development of affordable housing, often concentrated in the 2<sup>nd</sup> half of each plan period. It naturally takes times to prepare ‘Development Briefs’, negotiate land acquisitions with landowners and go through the planning process itself. Prior to 2014 and the introduction by the States of the 90% or Market Social Housing Rent Policy, it was extremely difficult to acquire even rezoned land from the market for social housing development because social housing rents were so low and there was a scarcity of development capital subsidies.*

*Nonetheless the importance of the Island plan in affordable housing terms cannot be underestimated and it is encouraging that a bridging Island Plan is being proposed because the Island Plan itself is delayed.<sup>30</sup>*

A submission from Christians Together in Jersey Housing Trust<sup>31</sup> explains the current issues the housing provider faces in relation to competition from commercial property developers and acquiring potential development sites, thereby inhibiting their ability to expand and provide more homes.

“In common with other social housing providers, CTJ finds itself in competition with commercial property developers when seeing potential sites for affordable housing and is at a disadvantage when it comes to funding a purchase, as when applying loan to value criteria, commercial lenders discount the value of a site if it is destined for social housing.” – [CTJ Housing Trust](#)

<sup>29</sup> [Andium Homes Submission](#)

<sup>30</sup> [Andium Homes Submission](#)

<sup>31</sup> [CTJ Housing Trust Submission](#)

**KEY FINDING 19:** The Objective Assessment of Housing Need Report forms part of the core evidence base on which Jersey’s housing requirement has been prioritised and therefore included in the proposed bridging Island Plan

**KEY FINDING 20:** Affordable Housing Providers are not able to meet the current demand for housing and face obstacles in being able to secure properties or land for development.

**RECOMMENDATION 4:** The Minister for the Environment and the Department for Strategic Policy, Planning and Performance should proactively seek the views of Affordable Housing Providers during the public consultation on the bridging Island Plan, to ensure that the issues they face in being able to secure land for development, and thus expand provision for affordable housing, are adequately addressed by the policies contained within a bridging Island Plan.

Further rationale for the prioritisation of housing in the 3-year bridging plan was provided in the Public Hearing with the Minister for the Environment where it was stated:

***Head of Place and Spatial Planning:***

*... I think it is important to say that this review will be a comprehensive Island Plan review. So the current Island Plan will be replaced in its entirety by a new plan and if and when the States approve that document, that will become the new Island Plan. But as the Minister has said, there are elements of the current plan that are in clear need for review. A key issue in relation to that is around housing and, as you will recall, this plan, the current plan, was adopted in 2011. The housing element of it was reviewed in 2014 and Members will know that the Island Plan seeks to make provision for housing over the plan period. Obviously, as the plan gets longer in the tooth the extent of housing provision made in the plan becomes more limited, if you like. The opportunities to develop land become more limited under the current policy regime. Sites that are allocated for specific housing needs are developed out and, in terms of the plan responding to the current housing challenge that we have in the Island, the current plan is getting towards the end of its level of provision...<sup>32</sup>*

**KEY FINDING 21:** The current Island Plan is outdated and the extent of housing provision has become more limited which poses a challenge to responding to the current housing shortage and consequently has been another factor in prioritising housing as a key component of the proposed bridging Island Plan.

It is asserted in the [Island Plan Preferred Strategy Report](#), that demand for more family homes brings significant land use challenges, but that this housing requirement does not directly translate to a requirement for *new* housing stock. The OAHNR states, “...*better use of existing stock has the potential to help address some of the need being evidenced.*” The report acknowledges that:

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<sup>32</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 7](#)

*“Significant effort will be required to ensure that the need for new development can be mitigated wherever possible through the development of active housing policy coordinated across all areas of government. Even with ambitious policies interventions, it is likely that the great majority of future housing demand will need to be met through additional development within the Island Plan.”*

A key priority which was highlighted in a submission from Christians Together in Jersey Housing Trust, was the need for Government to link its long awaited Estates Strategy with the bridging Island Plan in order to identify sites within the public estate that could be utilised for affordable housing. The Panel raised this with the former Minister for Children and Housing in the Public Hearing held in September 2020:

“We have come to the conclusion that to undertake any substantial development for affordable housing, we will have to ask the Government to release to us some land in the public sector for that purpose.” [CTJ Housing Trust](#)

***The Connétable of St. Brelade:***

*Thank you. Moving on to a C.T.J. (Christians Together in Jersey) Housing Trust submission, it was suggested there is land in the public estate that could be used for affordable housing. What are your views, Minister, on that?*

***The Minister for Children and Housing:***

*Absolutely yes there is and it has been a huge frustration of mine trying to get decent co-ordination of the use of those sites. That has been made more difficult by 2 things. One of those is the lack of clarity that has been up until now on the hospital site and where that is going to end up being and also the government office project, which there is still not as much clarity on as I would like. That has been frustrating because there are sites out there that are quite obviously not going to be used for either of those projects but which are being held back because of ongoing work elsewhere that is being done. That is difficult. It is annoying for organisations like Andium, who the greater long-term certainty they have got on supply of sites means the easier it is for them to plan and start financing their plans now. The second problem has been last minute to and fro over particular sites where you spend time and effort looking at the use of a particular site and then at the last minute somebody has a bright idea for an alternative and then that ends up disrupting things. The biggest public example of that was obviously the Ann Court site, which inevitably meant the delivery of those homes was delayed by a little bit. Thankfully not too much but it could have been much worse. There are a couple of other sites as well where I have had to get people in a room and say: “Sort this out. Let us take the uncertainty out of this that has been unhelpful.” Again the Housing Policy Development Board, which is due to report not too long from now, has looked at that as well and will be encouraging the development of a much more coherent strategy for the public estate in getting the best use out of it. I will be very glad when that happens because it has been a huge frustration for me.<sup>33</sup>*

**KEY FINDING 22:** The public estate has the potential to provide suitable sites for the development of affordable housing, however there is a lack of coordination and long delays in

<sup>33</sup> [Public Hearing with the Minister for Children and Housing, 15 September 2020, p. 13-14](#)

being able to make decisions on the use of these sites, driven in part by delays in the office accommodation project and the site decision for the future hospital.

**RECOMMENDATION 5:** The Council of Ministers should prioritise the identification and provision of affordable housing sites within the public estate and appropriate sites should be released for development within the lifespan of the bridging Island Plan.

**RECOMMENDATION 6:** The Estates Strategy should feed into and inform the bridging Island Plan and, therefore, the Council of Ministers should seek to finalise and publish its long-awaited Estates Strategy prior to the adoption of a bridging Island Plan.

## Future Hospital Development

The bridging Island Plan will undoubtedly play an important role in the provision for a new hospital at the agreed Overdale site and this is identified as a key priority area under the strategic policy 'planning for community needs'. In the Public Hearing held with the Minister for the Environment in October 2020, the Panel asked how the hospital would feature in a shorter bridging plan. Noting that, at the time of the hearing, the States had not yet decided on Overdale site, the Minister responded as follows:



### ***The Minister for the Environment:***

*...At the moment, there is huge uncertainty. I do not know when and where that process is going to deliver us a preferred site. What I have set down, of course, in ... I have to deal with 2 situations. First of all, one is that we will get that decision from the States before the Island Plan is published. If it is, then that site will be written into and part of the Island Plan and the Island Plan policies, but I cannot rely on that because obviously timescales are more urgent. So that is why I published the supplementary planning guidance which sets out very, very detailed, specific advice that if an application comes forward before the new Island Plan, then that will enable us to deal with it. I am conscious, but I would have to take advice on this, I know in other places that it is always possible to take into account emerging planning policy. Of course, once we publish a draft Island Plan, it will be out there and, of course, there will be uncertainty because it will not yet be approved by the States, but nonetheless people will know pretty soon - we are talking about March here, end of March - the direction of travel and what is in the plan and not. Members can bring amendments and so on. So what I am saying to you is I am absolutely confident that we will be able to provide in the planning process for a decision to be made on whatever site the States come up with for the hospital...*

The Panel notes that following the States decision on 17 November 2020 to approve Overdale as the preferred site for the new hospital, a proposition was subsequently lodged in the States on 14 December 2020 [P167/2020] which asks the States Assembly to approve Westmount Road as the preferred two-way access route for the new hospital. Noting in P.167/2020 that, should the proposition be adopted one of the next steps would be to submit a planning application for highway alterations. This raised concerns with the Panel as to how two separate

planning applications would work: one for the access route and one for hospital itself. Moreover, that there was a possibility that the two applications would be dealt with by two separate Island Plans (e.g. the access route planning application by the current Island Plan and the hospital application by the new bridging Island Plan). This would lead to bigger concerns as to if one planning application was denied but the other approved, leading to the possible scenario of having the planning application for the access route approved but the application for the hospital denied, or vice versa and thereby creating an untenable situation. However, in a Future Hospital Review Panel Public Hearing held on 21 January 2021, it was confirmed that that there would be one single planning application for the access route and hospital combined:

**Deputy I. Gardiner:**

*I would like to ask a follow-up about transport assessment. We all know that the best practice is to create a scoping exercise, so dialogue between the developer and highway authorities. I understand it will take place before the planning application. Can you please confirm that the full transport assessment for all Overdale site will be completed prior to planning application for the road, if it is going separate as planned?*

**Development Director, Our Hospital:**

*We had hoped that we would make the planning application for the road earlier than for the main hospital because we had hoped that that would give us the opportunity to maybe give ourselves more of a guarantee about being able to hit the timetable. While we have been considering the access options, that has led to some delays, which means now that our opportunity to do the road as an early application has been lost. So the application for the road will be done as part of the same application as the hospital, all as one. In terms of the transport analysis and the impact analysis that you are referring to, I can confirm that that will all be done, will all be agreed with the highway authority, will be consulted on with both the local community and the Island prior to the planning application being submitted.<sup>34</sup>*

A recurring theme in submissions<sup>35</sup> received by the Panel was the need to prioritise the timely development of the new hospital. The Panel is therefore pleased to note that Supplementary Planning Guidance has been prioritised to ensure that a planning application can be determined regardless of whether a new bridging Island Plan is adopted or not and therefore allay concerns of uncertainty in that regard. Senator Lyndon Farnham reminded the States Assembly of the process that was in place in the In-Committee debate held in July 2020:

*...But there is a potential timing issue with the statutory review of the Island Plan running at the same time as a project and to ensure the hospital could not proceed. Very good supplementary planning guidance has been produced, which has been very helpful in steering the project into the next stages, and it means that the hospital planning application can be determined even if the new Island Plan is not adopted. So the supplementary planning guidance will be used in conjunction with the existing Island Plan, that is the current situation, and the planning application process will reflect that at whatever stage the Bridging Plan or the proposal that Deputy Young is bringing forward now has reached in order that we can get to a decision. I am sure we all recognise that the Island Plan is subject to a statutory process and independent review. While this is not affected in principle by States decisions I would hope that*

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<sup>34</sup> [Future Hospital Review Panel Public Hearing, 21 January 2021, p.12](#)

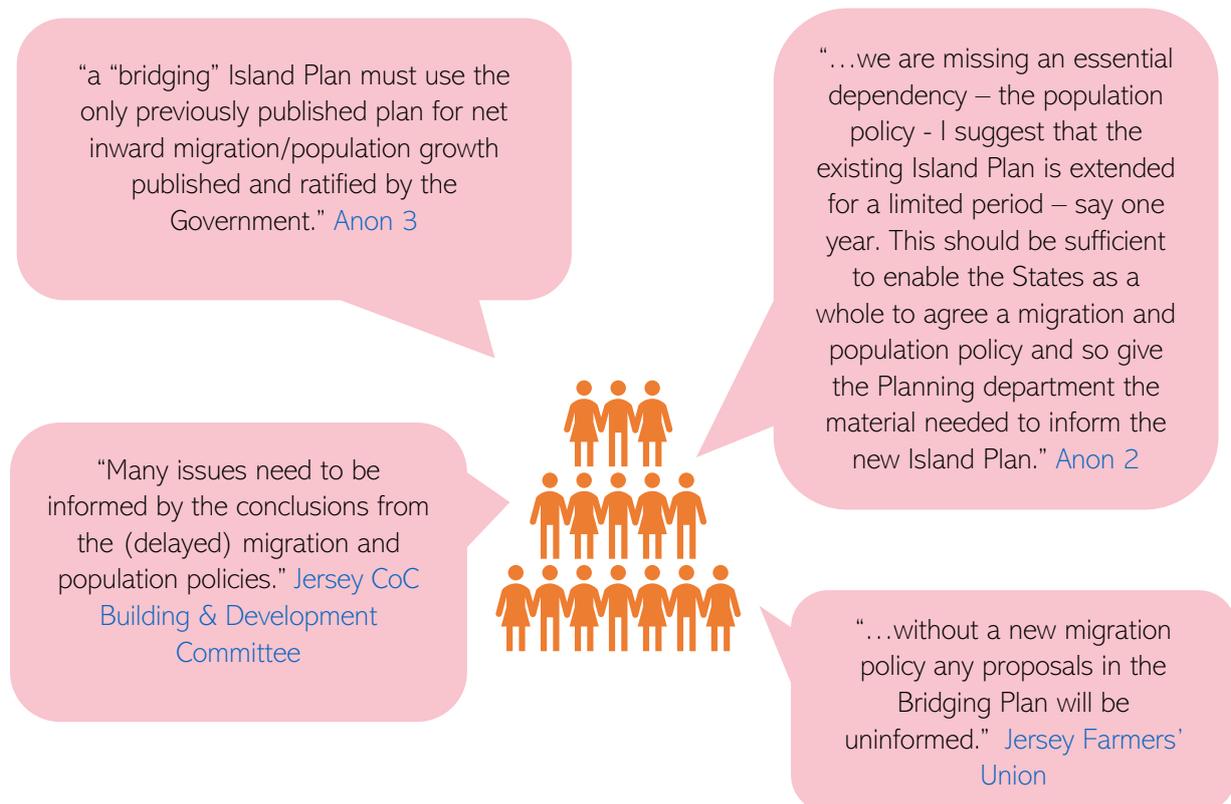
<sup>35</sup> Various submissions publicly available on [statesassembly.gov.je](https://statesassembly.gov.je)

*considerable weight will be attached to the outcome of this debate in helping the Ministers, when they go forward, considerable weight is added to the location of the new hospital. Establishing the principle of the location in the Island Plan will assist significantly delivery of the hospital on time and the design and appearance can be considered in the usual way through the submission of the planning application, and that is the timescale we are working to...*

**KEY FINDING 23:** A bridging Island Plan, if approved, will play a vital role in the planning application process for a new hospital. However, should the Plan not be approved, a contingency option to enable the hospital's planning application to be considered via Supplementary Planning Guidance has been provided for and so that no undue further delay is caused to the delivery of a new hospital.

## Migration and Population policy

Arguably, the most contentious aspect of the bridging Plan is the decision to 'decouple' it from the migration and population policy. A number of submissions<sup>36</sup> to the Panel highlighted concerns with this and how the Plan would adequately be able to perform its strategic function without being underpinned by such a key part of the evidence base.



States Members also expressed a range of views on the issue in the In-Committee debate<sup>37</sup> in July 2020. Some were not in favour of the decision to decouple the migration and population policy and expressed their view that Government should be moving faster to finalise the policy so that it could be aligned with the 3-year bridging Island Plan. Others were of the opinion that

<sup>36</sup> Various Submissions publicly available on [statesassembly.gov.je](https://statesassembly.gov.je)

<sup>37</sup> [Island Plan In-Committee Debate - Hansard](#)

there were already aspects of the Island Plan that were known as needed, such as the shortage of homes and the need to deliver more affordable housing. Therefore, irrespective of the migration and population policy being ready, these were aspects that the bridging Island Plan could progress with in the short term.

In his response following the In-Committee debate the Minister for the Environment explained that whilst it is proposed that the wider migration and population policy would be decoupled from the bridging Island Plan, the plan would:

*...still be based on the best available data and will developed in tandem, and having regard to any emergent migration policy. In this respect, **the bridging Island Plan can be de-coupled from the sequential development of a migration policy by the current Council of Ministers...***

*The planned new migration policy, together with the planned Census; greater learning about both the performance of the island's economy following the pandemic and the impact of post-Brexit immigration changes; and the development of a longer-term economic framework for the island; will all inform long-term planning in the coming years and can be fully reflected in the subsequent Island Plan from 2025.<sup>38</sup>*

In order to get further clarity, the Panel also questioned the Minister on this in the Public Hearing:

**The Connétable of St. Brelade:**

*What implications are there likely to be from decoupling the shorter bridging Island Plan from longer-term policies such as migration and population policy? There is quite a lot of concern been expressed about that.*

**The Minister for the Environment:**

*Well, I think the implications are that that is what I meant when I am saying the paper we are taking to the Council of Ministers today proposes a planning assumption, and the planning assumption will be based including the element of migration and natural population growth in there and, if you like, the demographic needs. In the previous process, I think we would have been able to tie it in with the migration policy specifically, but what I have been clearly advised by the officers handling the migration policy is that there will not be numbers coming out of it, there will be some set of recommendations. We have already seen what came forward from when we had the previous chairman. We now have a new chairman. We have not had a meeting yet. I am of that body but I understood he did promise that we are going to see that report by November. So there will be, if you like, the separation. I think we have had to ask C.O.M. to go with an assumption which will be the basis on which we do the draft plan. So if we get that too high, we will over-provide. If we get it too low, that will under-provide. So that is a clear consequence, but at least in terms of infrastructure and that sort of public facility, the assumption is that we will apply it for a greater number of population.*

**Director, Strategy, and Innovation:**

*It is just a brief comment just to echo what the Minister said and clarify the language. I think when we talk in the in-committee debate report about a bridging Island Plan being decoupled from the migration policy, just to reinforce that that is decoupled from the*

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<sup>38</sup> [R.116/2020 – Island Plan In-Committee debate: summary](#)

*sequential development of the migration policy. It is not at all to suggest that the Island Plan or the bridging Island Plan will not still give significant regard to migration and population numbers. That is clearly a fundamental part of the evidence base that informs the plan, but it just means that because the bridging Island Plan is a response in its shorter period, in more uncertainty we can make progress with the process without having to meet the previous commitment to have a migration policy in place and agreed before bringing forward a draft plan. So it is just about a sequential kind of decision, but migration is still very important to the plan.*<sup>39</sup>

The rationale for decoupling the migration policy from a shorter bridging Island Plan is outlined in the [Island Plan Preferred Strategy Report](#) which states that a shorter timescale plan is proposed because it is difficult, due to the on-going Coronavirus pandemic, to model the potential future population and demand figures especially where in-migration is very closely driven by economic performance. These uncertainties are further compounded by post-Brexit economic uncertainty and how, and to what extent, this might impact in-ward migration. Given these uncertainties, the planned assumption is that the average annual net migration for the next five years will fall to +800 per year. However, it is further noted that given:

- *the ‘gearing’ effect of the anticipated falls in non-finance GVA (at three times the greater impact on registered employment than equivalent falls in finance sector GVA in 2008); and*
- *the cumulative likely effects of:*
  - *the economic impacts of coronavirus*
  - *the numbers of registered employed that, during the pandemic, returned to a permanent place of residence outside Jersey*
  - *the economic impacts of Brexit*
  - *and the immigration impacts of Brexit;*

*it is considered most appropriate to conclude that average annual net migration for the next five years will fall at the lower end of this range, at +700 per year and a total of +3,500 over the five years 2020-24.*<sup>40</sup>

**KEY FINDING 24:** Uncertainties created by Brexit and the continuing global pandemic make it difficult to model potential future population and demand figures for in-ward migration.

Furthermore, *“a short-term Island Plan, and the subsequent Island Plan Review will need to re-establish, and plan for, longer-term requirements for housing and infrastructure based on a longer-term assessment and established policy basis for migration and population. The bridging Island Plan provides an opportunity to recognise future challenges; and signal potential response to them having regard to issues of supply and delivery.”*<sup>41</sup>

It is acknowledged in the report that whilst there are challenges associated with making forward assumptions at the present time, this does not mean that understanding current and potential future population levels is not “of central importance” to a bridging Island Plan. It is further acknowledged that the importance of population was raised frequently in the Strategic Issues and Options consultation in 2019 and is a common theme raised by the public whenever the Island Plan is discussed.

<sup>39</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 14-15](#)

<sup>40</sup> [Island Plan Preferred Strategy Report – October 2020](#)

<sup>41</sup> [Island Plan Preferred Strategy Report – October 2020](#)

Whilst it is not ideal to rely on planning assumptions, it is recognised that the uncertainties caused by Brexit and the global pandemic, have made it impossible to plan with any great level of certainty, particularly around migration. We would recommend that the case that has been made in the Island Plan Preferred Strategy Report is well-communicated to the general public ahead of the public consultation so that they understand the reasons for the decision, but more importantly, what data and planned assumptions the bridging plan will be based on. Given that it is acknowledged that a lack of migration policy is a common point of contention, this understanding will be key to the 'buy-in' of a bridging Island Plan.

**KEY FINDING 25:** Whilst it is proposed that the 3-year bridging Island Plan will be 'decoupled' from a migration and population policy, the plan will still be based on the best available data and will have regard to any emergent migration policy.

**RECOMMENDATION 7:** The Minister for the Environment should ensure that, prior to the public consultation, a further communication drive takes place to get the right messaging across as to what it means to 'decouple' the migration policy from a 3-year plan and how a shorter plan will still be as robustly informed as possible by various planning assumptions.

## Land Use



The [Island Plan Preferred Strategy report](#) acknowledges that a key part of a bridging Island Plan will be the requirement to “*look backward, to understand what has worked well and less well and the land use challenges and issues that have arisen in the last ten years. It needs to look forward to the strategic long-term requirements of the Island and set a vision of a sustainable future.*”<sup>42</sup>

The Panel notes that one of the principles which underpins the strategic policy ‘planning for community needs’ is to “ensure that islanders are not exposed to undue risk arising from development and the use of land.”

A number of current land use challenges are referred to in several submissions received by the Panel.<sup>43</sup>

“Government needs to review land use regulations to ensure that land that is zoned as agricultural, is being used for farming...It is also perhaps time to review the use of “old” agricultural buildings generally. Many buildings over 30 or 40 years old are no longer fit for use in 21<sup>st</sup> century farming. There perhaps should be opportunities for growers to subsidise themselves by being able to let these buildings.” [Jersey Farmers' Union](#)

“There is good evidence that land re-zoned for the States in previous Island Plans is not always developed in a timely manner and therefore that it can fail to meet the needs of those that the States had in mind when the decision to re-zone was made, e.g. Field 785, St Ouen...We have held the view for some time that the decision to rezone the land needs to carry with it an expectation on when the site must be developed by.” [Andium Homes](#)

<sup>42</sup> [Island Plan Preferred Strategy Report – October 2020](#)

<sup>43</sup> Various Submissions publicly available on [statesassembly.gov.je](https://statesassembly.gov.je)

"As an entering agriculturalist and a local producer who is a member of Genuine Jersey, I have struggled to find appropriate agricultural and employment buildings and land for use" [Anon 3](#)

"If a "bridging" Island Plan is brought forward, I ask it prioritises the conservation of existing land uses, further safeguards employment land, and prevents any development that a more invested long term plan would not think wise." [Anon 3](#)

"Some modern agricultural buildings that are most definitely redundant to agricultural or employment use may lend themselves very well to conversion to residential use in a highly sustainable manner (particularly in the Jersey context), yet this option is blankly removed from viable consideration." [Jersey CoC Building & Development Committee](#)

It is not within the scope of this review to explore all the issues raised with the current Island Plan, and how they should be rectified in a new bridging plan, whether that be land use or other policy areas. The scope of this review is to assess the process by which key policy elements will be included or excluded from the Plan. Nonetheless, the issues raised indicate that this is a key policy area which needs to be addressed in the bridging Island Plan. The Panel is therefore pleased to note, that the existing challenges surrounding land use will seek to be addressed in a bridging Island Plan, as it is evident from submissions that this has been an area where the current Island Plan is deemed to have fallen short.

It is unclear precisely how land use will be satisfactorily prioritised and addressed in the bridging Island Plan, although the Panel acknowledges that this will likely be made clear when the Plan is lodged for public consultation and debate. In terms of housing, the [Island Plan Strategy Report](#) does identify various land-use planning policy options that could be prioritised in the bridging Plan to support the delivery of new homes. These include:

- *a continued presumption in favour of development in the built-up areas at sustainable density levels, which will include considerations of the height of buildings*
- *the requirement to provide a proportion of affordable housing in all schemes over a certain size*
- *the identification and use of Government owned surplus assets to deliver both affordable and mixed tenure housing schemes*
- *some selective rezoning of green field land to deliver affordable and sheltered/last time buyer housing, where this contributes to the overall community wellbeing and sustainability of an existing settlement.*

**KEY FINDING 26:** Issues surrounding land use are expected to be addressed in the next bridging Island Plan, although it is unclear at this stage precisely how they will be prioritised and addressed in the plan. Although it is acknowledged that this will likely be deliberated and decided upon as part of the public consultation provided for in the Island Plan Review process.

## Infrastructure



Another key component incorporated within the ‘planning for community needs’ strategic policy is the provision of infrastructure for the island. The first phase of the Infrastructure Capacity Study is highlighted to be a key evidence base that the bridging Island Plan will draw on in order to make provision for developments that will be necessary in the medium-term. It is expected that when all phases are complete, the infrastructure capacity study will provide a forecast of infrastructure-related requirements over a 15-year period. Furthermore, a broad planning assumption of average annual population growth of +1,000 has been used to inform relevant infrastructure studies.

**KEY FINDING 27:** A broad planning assumption of average annual population growth of +1,000 has been used to inform relevant infrastructure studies.

It is noted in the [Island Plan Preferred Strategy Report](#) that infrastructure projects are generally of higher complexity, cost, and contention than other developments. As a result, the planning process will generally start a number of years before the infrastructure is expected to be required. It is further noted that it is essential that the bridging Island Plan has an understanding of infrastructure requirements over a longer 15-year period but that it places a focus on prioritising schemes that are most likely to come forward for a planning decision during the 3-year plan period.<sup>44</sup>

**KEY FINDING 28:** A bridging Island Plan will take into consideration infrastructure requirements over a 15-year period but will focus on prioritising schemes that are most likely to come forward for a planning decision with the 3-year lifespan of the bridging Island Plan.

It is further asserted that the longer-term planning assumption does not directly impact land allocation or site selection in the bridging Island Plan. Instead it is used to assess longer-term challenges and to ensure there is appropriate provision in the subsequent longer-term Island Plan from 2025.

The Island Plan Preferred Strategy Report states that the bridging Island Plan will need to recognise that the States Assembly has declared a climate emergency, as well as agreeing to pursue the development of an entirely sustainable transport system by 2030. Detailed work on both the Carbon Neutral Strategy and Sustainable Transport Policy continues to be developed, however it is asserted that the bridging plan will facilitate new programmes and policies with both in mind and with a view to promoting long-term environmental sustainability.<sup>45</sup>

In the Public Hearing with the Minister for Infrastructure, the Panel questioned the Minister on how and to what extent the Sustainable Transport Policy would feature in the bridging Island Plan:

***The Connétable of St. Brelade:***

*Indeed. How do you consider that the bridging plan can respond to travel and transport objectives, such as those included in your Sustainable Transport Policy? To what extent can it be addressed in the next 3-year plan?*

<sup>44</sup> [Island Plan Preferred Strategy Report – October 2020](#)

<sup>45</sup> [Island Plan Preferred Strategy Report – October 2020](#)

**The Minister for Infrastructure:**

*As I mentioned, we are steaming ahead with the S.T.P. We are doing everything we can that does not take huge amounts of money. We do have a few cycle lanes going in. We have got a cycle lane being constructed on the far side of the seawall - on the Esplanade side, that is - which is to separate pedestrians and cyclists to make it as safe as possible. We need to do a bit more with the education. We will be taking on a cycling expert to administer that...*

...

**Acting Director General for Infrastructure, Housing and Environment:**

*Thank you, Mr. Chairman. Just going back to the sort of alignment of the S.T.P. to the Island Plan, I think certainly in terms of whether it be S.T.P. or even carbon neutral, the fundamental point is to make sure development is in the right location, which reduces, where possible, the need to travel in the first place in a car. That, by virtue of that, reduces travelling on the highway network, it helps with commuter reduction. The other point I was going to just flag is the work we are doing as part of the Island Plan with the Island Plan team around a movement strategy for St. Helier, which is looking at how St. Helier does get access in, how people want to access it, how they want to move through it. That will inform where we need put public realm improvements in place or indeed cycleway improvements or indeed other road improvements. I think the best thing for cycling is to try and separate cyclists from other road users. That does show that it helps all parties, so hopefully the movement strategy will help inform that work going forward.<sup>46</sup>*

**KEY FINDING 29:** A bridging Island Plan will recognise that the States Assembly has declared a climate emergency. The plan will facilitate new programmes and policies in line with the intended aims of the Carbon Neutral Strategy and Sustainable Transport Plan as both these workstreams continue to be developed and so as to ensure long-term environmental sustainability.

In the Public Hearing with the Minister for the Environment, the Panel asked the Minister how St. Helier would be prioritised in a bridging Island Plan. The Minister advised that an urban character study was being undertaken to inform this element of the bridging Island Plan. Furthermore that St. Helier would not be the sole focus, so would other urban areas of the island.<sup>47</sup> The Panel also asked the same question in the hearing with the Minister for Infrastructure and was advised as follows:

**The Connétable of St. Brelade:**

*...Much of the Island Plan in-committee debate held in July focused on St. Helier. How and to what extent do you consider that plans for St. Helier should feature in the 3-year plan?...*

**Acting Director General for Infrastructure, Housing and Environment:**

*Yes. I think it is really important for us to focus on St. Helier. It is obviously the largest grouping of development, but also where the majority - in greater St. Helier - of the Island's population does live, so it is right that we look at the quality of St. Helier, urban quality, public realm quality. Indeed, that is where all the transport links end up as well,*

<sup>46</sup> [Public Hearing with the Minister for Infrastructure, 29 September 2020, p.11-13](#)

<sup>47</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 13](#)

*so there is a lot of reasons for focusing on St. Helier from a housing perspective, but also commercial premises and business premises. I think either way, in any Island Plan St. Helier is always going to have a focus because it is a large area where a lot of people live and there is a lot of potential still for St. Helier to deliver for the Island.<sup>48</sup>*

**KEY FINDING 30:** The urban development of St. Helier will be a key focus for the bridging Island Plan, as will other urban parts of the island. An urban character study is being undertaken to inform this element of the bridging plan.

Another key part of the evidence base for the bridging Island Plan will be the Shoreline Management Plan. The plan aims to ensure that the island's coastal defences will continue to be protected over the next 100 years. The Panel was keen to understand how such a long-term strategic plan would be incorporated into a shorter 3-year bridging Island Plan. In the Public Hearing with the Minister for Infrastructure, the Panel was advised that the Shoreline Management Plan will seek to identify, as a starting point, where sea defences need improving or extending, and this assessment will be realised within the lifespan of the bridging plan. This strategic planning will be used as a foundation for the longer-term investment which may be required in the next 10-year Island Plan:

***The Connétable of St. Brelade:***

*Minister, the Shoreline Management Plan is intended to inform the development of the Island Plan, among other wider strategic planning. Is it your expectation that a shorter plan would factor in the aims of the Shoreline Management Plan or is it envisaged that the linking of the strategies will be delayed until the next 10-year plan?*

***Acting Director General for Infrastructure, Housing and Environment:***

*Thank you, Mr. Chairman. Yes, you are right in highlighting the issue. I think what we expect the bridging Island Plan to do is start setting the framework for longer shoreline enhancements. We do know that we are under pressure from a climate perspective and an age perspective both in terms of the age of the defences we have, sea defences, but also what is happening with the climate and sea levels and storm events, that we are likely to see greater pressure certainly on the south coast, as an example, on our shore defences. This Island Plan coming will start to set the scene for some of that longer-term investment, but the Shoreline Management Plan certainly talks in decades of timings rather than just a few years for this plan. But we would expect this Island Plan version over the next 2 or 3 years to start setting the sort of strategic policy context, whether that is to highlight where we need to improve some of our sea defences or possibly extend them.<sup>49</sup>*

**KEY FINDING 31:** The Shoreline Management Plan will seek to identify, as a starting point, where sea defences need improving or extending, and this assessment will be realised within the lifespan of the bridging plan. This will be used as a foundation for any longer-term investment which may be required in the next 10-year Island Plan.

## Natural and Historic Environment

One of the proposed strategic policies underpinning the Island Plan Preferred Strategy is 'protecting and enhancing biodiversity and the natural environment.' The Panel wished to gain

<sup>48</sup> [Public Hearing with the Minister for Infrastructure, 29 September 2020, p.16-17](#)

<sup>49</sup> [Public Hearing with the Minister for Infrastructure, 29 September 2020, p.10](#)

an understanding of how and to what extent policies pertaining to the natural environment would be prioritised to feature in a 3-year bridging plan:

**The Connétable of St. Brelade:**

*...Moving on, how and to what extent will the natural and historic environment feature in the 3-year plan?*

**The Minister for the Environment:**

*Strongly. Historic buildings, I am really disappointed that for years now we have not had any means of being able to look after our heritage in terms of grants to help owners of historic buildings and so on. I think that is pretty unsatisfactory and I have an aspiration to do something about that. But in the meantime, we need to help upgrade ourselves in that area because I know that in terms of the urban character studies heritage is an important part, and we have lost a lot of it. But on the biodiversity side, biodiversity the same. That is why we have done the biodiversity study and, of course, you know there is a strong interaction between landscapes, biodiversity, trees and so on, and there are a number of threads to that: new planning policies, new Planning Law changes and work to upgrade our works. So I feel strongly that the plan will include elements of that. I particularly want to make sure that our special countryside areas, woodlands and so on are given really good attention. I have asked the team to look at the boundaries of some of those areas, which is part of the planning work in process.<sup>50</sup>*

The bridging Island Plan will also prioritise the adoption of a new Integrated Landscape and Seascape Character Assessment (ILSCA) in order to establish a new long-term policy regime which will seek to protect the island's most sensitive coast and countryside, as well as "the right sympathetic development of greenfield land where it is most appropriate to do so." This will include revising the spatial extent of the Coastal National Park, and a review of the associated policy with a view to ensuring the highest level of protection for the island's most delicate landscape and seascape areas. The adoption of the ILSCA will also involve a cautious update of the current green zone policy; and the development of new marine zone policies.<sup>51</sup>

Another study underway is the St. Brelade Character Study which aims to consider the island value of St Brelade and the bay and to feed into draft options for conserving the bay's character as part of the bridging Island Plan review. A report on the outcome of consultation which asked islanders for their views about St Brelade's Bay was published in November 2020<sup>52</sup>; which will be followed by a subsequent report and recommendations.

**KEY FINDING 32:** The bridging Island Plan will adopt a new Integrated Landscape and Seascape Character Assessment (ILSCA) to establish a new long-term policy regime which will seek to protect the island's most sensitive coast and countryside, as well as sympathetic development of greenfield land where appropriate. The plan will also incorporate the St Brelade Character Study and its focus on considering options to conserve the bay's character.

## Other priority areas

In the In-Committee States debate held in July 2020, States Members shared their views of other key areas of development which it was felt should be prioritised in the bridging plan:

<sup>50</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 15-16](#)

<sup>51</sup> [Island Plan Preferred Strategy Report – October 2020](#)

<sup>52</sup> [St Brelade's Bay Character Study: report on phase 1 engagement](#)



The Minister helpfully responded in the In-Committee debate: summary report [R.116/2020] to many of the points raised. However, the Panel considers that it is still largely ambiguous as to how specifically each of these will be factored into a shorter bridging plan, if at all they will. As a result, it remains somewhat unclear as to what precisely will be scaled back or excluded from the plan in order to for the plan to have realistic and achievable outcomes in the identified priority areas. This will be discussed further in the next chapter.

**KEY FINDING 33:** There are numerous policy areas and identified development needs which will seek to be incorporated into the 3-year bridging plan. However, with so many competing priorities, it is unclear what will need to be scaled back or excluded from the plan in order to have realistic and achievable outcomes within the lifespan of the plan.

## 5 Implications of a shorter bridging plan

### Ambitious priorities and long-term focus

As highlighted in the previous chapter, a number of key policy areas are considered integral components of the bridging Island Plan. A key concern, therefore, is whether the plan is over-ambitious and consequently unable to achieve its intended aims in a much shorter, compressed timeframe. Views expressed by some stakeholder submissions indicate there is a concern that the timescale is unrealistic for what the plan can achieve and that little might change in practice. Furthermore, that the circumstances dictating the shorter plan might prevail beyond the current 3-year anticipated timeframe resulting in poor decision making and the possible enduring consequences that might arise as a result.

"It would seem likely that during the period of the proposed 3 Year Island Plan, little would in practice change. Population would continue to increase at the current rate as would house building" [SOS Jersey](#)

"We believe that there is a risk that decisions made under a Bridging Plan, which could be flawed due to the restricted timeframe and the circumstances of the time in which it is drafted, might endure beyond the anticipated timeframe of the Bridging plan, thereby embedding the consequences of a poor decision for the long term. A further concern is that the status of a Bridging Plan may be seen to be slightly diminished and that decisions could be deferred pending the "full" Plan in 2026. This could impact investment negatively. As an extension of this risk, the question will remain as to whether the Bridging Plan or the 2011-2020 Plan dominates if there are contradictions between the two documents and if the status of the Bridging Plan is not completely clear. If this is not believed to be a risk and the Bridging Plan must dominate, then it is a full Plan in all but name, and we return to the argument that an abbreviated Plan prepared too quickly is likely to be a flawed Plan." [Jersey CoC Building & Development Committee](#)

In a Public Hearing held with the former Minister for Children and Housing in September 2020, the Panel asked the Minister how, in his opinion, a bridging Island Plan could be ambitious without being over ambitious and, specifically, what this would mean for the delivery of affordable housing:

***The Connétable of St. Brelade:***

*Do you think the delay in the Island Plan process and the decision to proceed with an interim plan will have a positive or negative effect on the timely provision of affordable housing developments?*

***The Minister for Children and Housing:***

*It depends what we get really. It depends what ends up in that initial first part of the Island Plan. I think the concerns that I have expressed, not just to the Minister for the Environment but more broadly as well, are that we leave some of the policy issues to the second part and leave out some of that from the initial part. If the first part of the Island Plan is too thin on some of those issues then we do risk having a few years of*

*either not as much progress as we ought to or getting some progress in terms of building new homes, approval of building of new homes, but that not be the right type of homes or not built under the wider sorts of policies that we think are important for that whole 10-year period. So it remains to be seen, until we have got that document in front of us, whether it will meet the aspirations certainly I would like to see it have for that first initial part of it. I am making the case to the Minister for the Environment that some of the policy issues we still ought to try and get some of those in that first part so we can hit the ground running on those, rather than wait a few more years after that to have only part of that 10-year period covered by some new policies.*

**The Connétable of St. Brelade:**

*That is in fact on to my next question, referring to the in-committee debate on 17th July where you stated that a shortened version of the Island Plan should not be an excuse for that 3-year version lacking ambition. So how would you envisage it could be addressed ambitiously in such a short period of time? Do you think that is achievable?*

**The Minister for Children and Housing:**

*I think it is. I would say that some of the policies that I would like to see incorporated into it may be things that there is not a political appetite for and that is the biggest risk. Sorry for my language on this but when it comes to the use of certain plots of land there will end up being a bloodbath in the Assembly as there will be a million amendments come forward and we will argue over this field, what should be on that or save this field or no building at all in this Parish, blah blah blah, and all of that is going to be unpleasant and we may end up, in terms of the distribution of land for development, somewhere very different at the end of that part of the process from what was lodged. What I am more interested in are some of the underlying principles of that development. One thing I am particularly keen to see is a principal that for developments over a certain size that there ought to be a compulsory requirement for a proportion of homes built there to be either for affordable purchase or affordable rent. That is my position but some might find that controversial and I think that will ultimately end up being a political question. So it depends what our appetite in the Assembly ends up being, but I know which way I will be pushing.<sup>53</sup>*

Further concerns were raised that the period of time the bridging Plan will cover is comparatively short in relation to the lifespan of a development project “*when one considers the timeframe from feasibility study, through commercial assessment, design, planning and construction, a large proportion of projects could potentially span three different Island Plans. This simply won’t work in terms of design/appeal processes etc.?*”<sup>54</sup>

The Panel would agree that there appears to be a lack of clarity and assurance as to how a shorter bridging Island Plan will inter-link with the subsequent 10-year plan to ensure the sustainable longevity of developments as they go through the design and build lifespan of the project.

**KEY FINDING 34:** Concerns were expressed by stakeholders, and shared by the Panel, that a bridging Island Plan might be over ambitious in what can realistically be achieved in the limited timescale, as well as how the bridging plan will join up with the next 10-year plan to provide certainty and longevity to those in the building and construction industry.

<sup>53</sup> [Public Hearing with the Minister for Children and Housing, 15 September 2020, p. 2-3](#)

<sup>54</sup> [Jersey Chamber of Commerce Building and Development Sub Committee Submission 2](#)

**RECOMMENDATION 8:** The Minister for the Environment should provide a clear ‘SMART’<sup>55</sup> analysis of how each key component of a shorter plan will be deliverable in the shorter timescale, so as to help to instil confidence in the States Assembly and the public that a shorter plan will be able to deliver its intended outcomes. This should also encompass how the bridging plan will interlink with the next full 10-year plan to ensure longevity and certainty for building developments through the lifespan of a project. This should be provided when the bridging plan is lodged to enable this analysis to be considered during the 12-week consultation period.

Christian’s Together in Jersey Housing Trust shared its concerns that if major strategic decisions are delayed until the longer term 10 year plan, this could result in uncertainty for social housing trusts to be able to make long term plans until such a time.

The Panel raised these concerns of uncertainty with strategic forward planning and was assured that the plan would have a long-term focus:

***The Connétable of St. Brelade:***

*Clearly, one of the roles of the plan is to help facilitate long-term planning for these affordable developments, so what is your view regarding any potential impacts that this shortened plan might have on this planning for and development of affordable housing going forward? Do you think it will have an effect on that?*

***The Minister for the Environment:***

*No, I do not think it will affect it. I think fears on there, if there are, are unwarranted. My job is to make sure they demonstrate they are unwarranted. Look, I think I have already said we are certainly looking in the plan that comes forward ... it is going to look at housing over the 5-year period and beyond. It is going to have to do that because it takes several years from a plan to produce, to get them on site. So I think it is inevitable that that part of the plan is going to have to have a long-term focus, albeit that the targets and the numbers are based on the shorter period. But I do not think it is going to have an adverse effect. No, I believe it will set the longer-term direction of travel.<sup>56</sup>*

“We do have a concern that if major strategic decisions have to await the decennial plan in 2025, it will not be feasible for the affordable housing trusts to make long term plans until then” CTJ Housing Trust

**KEY FINDING 35:** There are some fears that a shorter term plan could create further uncertainty about the long-term focus for the Island. The Minister for the Environment believes these fears are unwarranted as the bridging plan will aim to have a long-term focus but with targets and numbers based on a shorter period.

**RECOMMENDATION 9:** A communications strategy should be put in place to advise and assure islanders about how a bridging plan will still ensure a long-term focus. This should take place before and during the public consultation, to ensure that the public are fully informed

<sup>55</sup> S – Specific, M – Measurable, A – Achievable, R – Realistic, T – Timely

<sup>56</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 18-19](#)

and given greater assurance about how a shorter plan will still have a long-term strategic focus.

## COVID-19 - Staffing and manpower resources

The Panel has held monthly meetings with the Minister for the Environment and Government officials since September 2020 in order to be kept abreast of the bridging Island Plan policy development. At a meeting held on 22 December 2020, the Panel raised whether there was a risk that, with the continuing global pandemic, key policy officers would be redeployed to assist with the Government's response to the pandemic. However, the Panel was assured at the meeting that the risk of key Island Plan policy staff being diverted to deal with COVID-19 policy was very low and that key, senior staff would be available to continue to lead on the bridging Island Plan and to see it through to its implementation, should the plan be approved by the States Assembly.<sup>57</sup>

**KEY FINDING 36:** The Minister for the Environment has given his assurances that the risk of key Island Plan policy staff being diverted to deal with the COVID-19 pandemic is very low and that staff will continue to be available to lead on Island Plan review process and see it through to its completion.

## Financial implications

A total budget of £1,325,000<sup>58</sup> was allocated to fund the anticipated 10-year Island Plan and so the Panel sought to understand what costs would be incurred by proceeding with a shorter plan to bridge the gap before a longer-term 10-year plan could be realised. The Panel was advised at the Public Hearing held with the Minister for Environment on 29 September 2020, that there would be extra spend incurred as a result of proceeding with the option of a bridging Island Plan.<sup>59</sup>

In a Government Plan Review Public Hearing held in October 2020, the Panel questioned the Minister further on the intended costs for the proposed bridging Island Plan and future 10-year plan:

***The Connétable of St. Brelade:***

*Thank you. The Island Plan review, Minister, we are aware of the reasons for the delay in this project, but so that we can understand how the finances are being apportioned, could you clarify whether the £650,000 that was approved in the 2020 Government Plan will be required in full for expenditure relating to the 3-year bridging Island Plan or will a proportion of this amount be ring-fenced and moved on to the 10-year plan?*

***The Minister for the Environment:***

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<sup>57</sup> The minutes of this meeting are not published due to a Freedom of Information exemption under QE35 and the nature of the topic discussed being specified as 'policy under development'.

<sup>58</sup> [Minister for the Environment, Response to Written Questions – Government Plan 2021 Review – November 2020](#)

<sup>59</sup> [Public Hearing with the Minister for the Environment, 29 September 2020, p. 9-10](#)

*No, I am absolutely certain that the funds that we have allocated will be required. I think what will be ... so any notion that somehow or other what we are producing is a cut-down plan, it is not a full plan, that is not correct. The foundations of the plan require a huge amount of building up of evidence. I think a lot of that evidence is going to last beyond the boundaries of the 3-year transitional plan and is going to mean that those pieces of work will not need to be repeated in any subsequent Island Plan. So I really feel very confident that that will be the case. So, yes, there will be some costs as a result of having to do an update or a follow-on for the remaining 10 years, but I think that can be contributed very much to the COVID. So I could give you a bit more detail, Chairman, but we do not have a lot of time. If you want a little bit more, Mr. Pilley could list all the various evidence areas, and we have had to spend that money.<sup>60</sup>*

**KEY FINDING 37:** The costs allocated to fund the initially anticipated 10-year plan are anticipated to be required in full for the shortened 3-year bridging plan. Whilst the Minister anticipates that some of this work will not need to be repeated in the subsequent 10-year plan (therefore incurring further cost) it is uncertain at this stage what the updated cost of a subsequent 10-year plan will be.

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<sup>60</sup> [Government Plan Review 2021 - Public hearing with the Minister for the Environment, 27 October 2020, p. 14](#)

## 6 Conclusion

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The Panel recognises and understands that the unprecedented circumstances of the continuing global pandemic has led to the decision to bring forward a condensed version of the Island Plan. Moreover, that this has left Government with the unenviable task of trying to deliver a much-needed strategic plan, to meet the Island's development needs, during a time of great uncertainty and risk.

The evidence gathered during our review shows an ambitious drive and impetus from the Government to achieve positive change in relation to key planning challenges that have been identified and in seeking to deliver a workable solution to addressing these challenges. However, until further information can be provided on what analysis was undertaken to determine whether a condensed bridging plan was the *best* and *most workable* solution out of all the options the Council of Ministers considered, it is unclear as to whether another option might have been a better alternative.

In many regards the ambition to deliver a full plan in a shorter timeframe is to be commended. However, whilst well-meaning, there is a very real risk that not much will be achieved in the condensed timescale of 3 years. It is our view that a 3-year plan would need to be scaled back considerably in comparison to that of 10-year plan, yet the evidence shows us that the bridging Island Plan will still contain a vast number of the significant components that a full plan would. We would not argue that they are all important components, however, we believe it needs to be made clear in the plan exactly how everything that it intends to achieve – will be achieved.

There is also a risk that it may be perceived as a plan driven by Government, without the support of the general public and key stakeholders, who are vital to delivering the outcomes of the Island Plan. It is evident from our findings that meaningful consultation and clear communication with stakeholders is key to securing the plan's success. It is, therefore, crucial that the Council of Ministers puts forward a plan that States Members, and the public, can have faith will successfully deliver on its aims and outcomes in the short timeframe. It is clear that prioritising and addressing the shortage of affordable homes will be a key element in the bridging Island Plan and the Panel is reassured to note that there is some degree of known certainty with planned assumptions for this element of the plan.

We are aware that in order for a short-term bridging Island Plan to be considered and approved by the States Assembly before the 2022 election, changes to the Planning and Building (Jersey) Law 2002 are required. These changes are proposed under the Draft COVID-19 (Island Plan) Regulations 202- [P.168/2020] which is due to be debated in the States on 9<sup>th</sup> February 2021. If approved, this will enable the proposed changes in process that are required to lodge and debate the bridging plan. Whilst we recognise that an extended lodging period of 12 weeks will be provided for, we still have concerns in respect of the public consultation running at the same time as the lodging period. This may be unsatisfactory to States Members who may wish to bring amendments based on feedback gained from the public consultation.

Our review also found that there is a lack of clarity and assurance as to how a shorter bridging Island Plan will inter-link with the subsequent 10-year plan to ensure the sustainable longevity of developments as they go through the design and build lifespan of a project.

Throughout our report we have made a number of key recommendations, which we hope will provide some constructive feedback on how to improve the review process and hopefully mitigate any potential implications, should the States Assembly agree to adopt both P.168/2020 and the subsequent draft bridging Island Plan.

## Appendix 1

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### Panel Membership



Constable Mike Jackson (Chair)



Constable John Le Maistre (Vice-Chair)



Constable Sadie Le Sueur-Rennard



Deputy Inna Gardiner



Deputy Kirsten Morel\*



Deputy Graham Truscott\*\*



Deputy Steve Luce\*\*

\*Deputy Morel resigned from the Panel on 7<sup>th</sup> December 2020 and therefore only participated in the call for evidence and public hearings phase of the review.

\*\*Deputies Truscott and Luce joined the Panel on 19<sup>th</sup> January 2021 when the Panel was in the process of finalising its report and therefore they did not participate in this review.

## Terms of Reference

1. To explore and understand the aims of a shortened 'bridging' Island Plan and the ways in which it will interlink with the current and future (2025) Island Plans.
2. To determine and assess the decision-making process and rationale in formulating a shortened 'bridging' Island Plan spanning 3 years (2022-2024), including but not limited to:
  - a. Scoping requirements, research and evaluating alternative options to creating a 'bridging' Island Plan
  - b. review of evidence base and strategic issues
  - c. appraisal and reporting process
3. To assess the means of consultation with States members, targeted stakeholders, the public and interest groups, including the decision to run the public consultation process in parallel with consultation with States members and interest groups;
4. To examine and gather views on the revised (shortened 'bridging') Island Plan development process;
5. To identify and assess the prioritisation process by which projects and policies will be included in, or excluded from, consideration in the development of the revised Island Plan, for example:
  - a. Affordable Housing
  - b. Future Hospital development
  - c. Migration and Population policy;
  - d. Land Use
6. To determine the short and longer-term implications, including financial implications, of developing a 'bridging' Island Plan.

## Evidence Considered

### Public hearings

- Minister for the Environment
- Minister for Infrastructure
- Minister for Children and Housing

The public hearing transcripts can be viewed on the States Assembly website [here](#).

The webcast of the hearing can also be viewed [here](#) up until 6 months after the hearing was held.

## Written Submissions

A total of 14 written submissions were received by the Panel and can be viewed [here](#).

## Other evidence considered

- [Hansard](#) - Island Plan In-Committee Debate held on 17<sup>th</sup> July 2020
- Island Plan In-Committee Debate Summary [Report](#)
- [Island Plan Preferred Strategy Report](#)
- Arup Strategic Partner Island Plan Review Process (Options Review) [not published]
- Panel meeting minutes

## Review costs

The costs of this review totaled £316.00 for Public Hearing transcription costs and a social media 'call for evidence' sponsored post.

## What is Scrutiny?

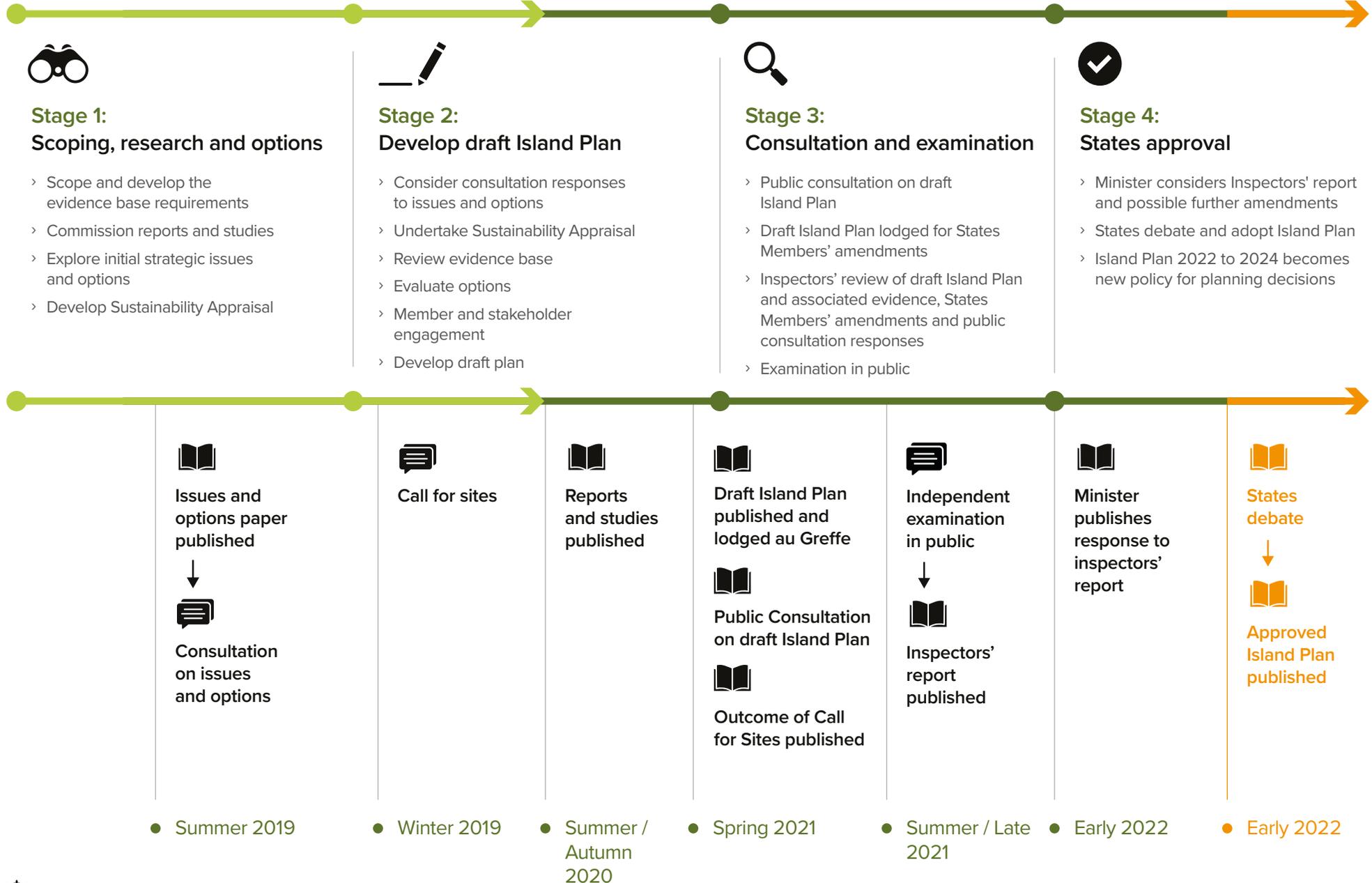
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- Government policy;
- new laws and changes to existing laws;
- work and expenditure of the Government;
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