

2025.03.18

**4.8 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding changes to Supplementary Planning Guidance for developments with a floorspace greater than 3000 square feet (OQ.64/2025):**

Further to the response to Written Question 86/2025 regarding changes to Supplementary Planning Guidance for developments with a floorspace greater than 3000 square feet, will the Minister advise what consideration he gave to any officer advice he received, and to any public support that was expressed when the guidance was adopted in 2023, before deciding not to hold a public consultation and to make changes to the guidance?

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

I will always have regard to the professional advice that is available to me when it comes to the development of new, or the revision of existing, planning guidance.

[10:45]

Similarly, I gave consideration to the consultation response which included the views of the public where the guidance that contained the original provision was first adopted. I have regard to all of that; however, it was my considered judgment that this was a minor change to existing guidance and did not, therefore, warrant wider consultation again.

**4.8.1 Deputy J. Renouf:**

In the officer report that accompanied the decision, it is stated that the only reason for the review of the Supplementary Planning Guidance was because 3 high-net-worth individuals had approached Government to ask for the change. How did the Minister balance their dislike of the planning guidance against the overwhelming public support for the guidance expressed in the original consultation?

**Deputy S.G. Luce:**

I did not have any contact from anybody about this other than one member of Government and I decided on that person's request to have a look at the guidance. I looked at it and I took, as I said, officer advice. That officer advice said a number of things but it was clear to me that this guidance had made no difference whatsoever and while, therefore, there was an argument to say: "If there was no difference, you could leave it there", my view was that because it had made no difference and because the perception was that Jersey was closed for business that it would make no difference therefore to remove it, which is what I did.

**4.8.2 Deputy P.F.C. Ozouf of St. Saviour:**

I wonder whether the Minister would say that while the report may have cited 3 2(1)(e)s, I have not read the Ministerial Decision, but I can imagine that he will have received representations from the building industry that they are tittering on the brink. Building contractors have fallen by the wayside, are going bust and would he not agree that anything that we can do to boost confidence in the building industry which is done, so by lifting this provision, is a good thing to do? Would he share my view that it is important to look at things in the round and not to have Government interfering and regulating in things that really are maybe prejudiced to people who have got the loudest voices because it is 2(1)(e)s that have, but there is a silent majority that has not.

**Deputy S.G. Luce:**

As I said previously, no 2(1)(e)s have made contact with me. Indeed, the only contact I have had from anybody in this regard since I made my decision was one architect last week that thanked me for doing it, and he did not email me specifically to talk to me about that; it was about another matter. But the Deputy is absolutely right, I have stated recently quite publicly that I want more economic value to be put into decisions when it comes to planning applications and the development/construction industry

has been going through some tough times recently, but I think encouraging the economy is hugely important, as is the reduction of red tape, which I believe this is.

**4.8.3 Deputy P.F.C. Ozouf:**

I wonder whether the Minister would be even bolder and go maybe not as far as looking across the Atlantic and say: “Drill, baby, drill”, [Laughter] but will he send out the very clear message that he wants a Planning Department that says: “Build, Islanders, build”, so that we do not have a contracting property market and a contracting construction industry? Does he want to send a positive message out that he is prepared to do things even though it is in some quarters unpopular?

**Deputy S.G. Luce:**

Obviously, I am going to do what I can, but the Deputy needs to be reminded we have an Island Plan agreed with this Assembly, which is full of policies, and those policies need to be adhered to and the: “Drill, baby, drill” analogy would not apply in Jersey. I am certainly not going to say to Members: “Build, build and build”. There are policies that need to be adhered to. We do want to encourage construction where it meets policy, and I will do what I can to get the Island building but it has to be done within the policies of the Bridging Island Plan.

**4.8.4 Deputy T.A. Coles of St. Helier South:**

In the review of the 3,000 square feet properties, did the Minister give into consideration the impact this would have on the built-up area as this is the site where most new homes are supposed to be built, and if we start building larger properties within the built-up area we will reduce sites for new homes?

**Deputy S.G. Luce:**

Obviously, I had consideration for both the built-up area and outside of the built-up area but I do not need to remind the Deputy, who is a member of the Planning Committee, that it was my view that the policies that I spoke about in the last answer are there and I think they perfectly cover any sort of development both in or outside the built-up area. I did not think this particular Supplementary Planning Guidance was helpful and, as the officer report stated, it was making no difference at all. It was just a question of perception, and I decided that removing this red tape was more preferential.

**4.8.5 Deputy T.A. Coles:**

As this Supplementary Planning Guidance covers residential space standards as a whole, is the Minister any closer to a response to my proposition?

**Deputy S.G. Luce:**

Very briefly, I know that is straying from the ...

**The Deputy Bailiff:**

That is outside the question, is it not?

**Deputy S.G. Luce:**

I can answer it very quickly; I am making progress and will report back very soon.

**4.8.6 Deputy A.F. Curtis of St. Clement:**

The Minister says that the former policy made no difference at all, but I would point him to an application in my Parish that I did not sit on where an application was refused under the guidance for providing grossly over-the-size homes. A new application came forward for the site with family homes of a greater quantity because of that policy. Does he not see a risk that in our built-up area, we will have prime sites for good, affordable open-market homes now delivering fewer units of larger, luxury homes as a result of this change?

**Deputy S.G. Luce:**

The Deputy makes a good point but the original justification for introducing the Supplementary Planning Guidance came in a very different time when, I think, the Island was facing more of a housing

crisis than it is now. It appears to me that it was simply an attempt to limit the number of larger homes on sites that could potentially have smaller homes put on them and, while I accept the Deputy's analysis of that, I think very much that sites for a large number of very small homes and sites for a very small number of large homes are slightly different and cost has got to come into it.

**Deputy K.M. Wilson of St. Clement:**

My question was asked earlier.

**4.8.7 Deputy H.M. Miles of St. Brelade:**

Officer advice was for the Minister to consider engaging with a high-net-worth community to explain that 3,000 square feet planning guidance does not make it impossible to develop very large houses and the report also noted to a large extent opposition to the guidance seemed to be rooted in the perception rather than the reality of the possibility. Why did the Minister not take officer advice and correct those misconceptions?

**Deputy S.G. Luce:**

As I said, I did take quite a bit of officer advice, and we discussed this, and the advice came quite clearly to me that this particular piece of Supplementary Planning Guidance was not making a great deal of difference. We do have policies in the Island Plan for disproportionately increasing the size of homes and for homes which are increasing the gross floor space or the building footprint or the visual impact, I believe there are a number of policies in the Island Plan that would stop large homes being built if they were out of context and out of setting.

**4.8.8 Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:**

The word "perception" has come up a number of times. Did the Minister consider perceptions that may come into play with changing government policy at the request of 3 high-net-worth individuals?

**Deputy S.G. Luce:**

I cannot stress enough this is not changing government policies. The Supplementary Planning Guidance cannot go against government policy.

**4.8.9 Deputy J. Renouf:**

As Deputy Curtis has pointed out, the policy did make a difference. It was designed to deliver more family homes rather than homes for large residences. The Minister seems to have slightly forgotten what was in his own report. It says: "The basis for the review of the 3,000 square foot floorspace planning parameter for new homes has emerged at the request of the Head of High Value Residency Engagement" and: "The key issues raised ... and to the 3,000 square foot floorspace threshold are as follows: 3 clients who have projects that are directly concerned by the changes." Does the Minister accept that if you fly in on a private jet and give quarter of a million of pounds a year to the Exchequer, then you get to write your own planning guidance? Can the Minister explain how this will encourage public confidence in the fairness of the planning system?

**Deputy S.G. Luce:**

I do not know if the Deputy is saying that I have received correspondence from 3 individuals and I am saying here today I did not receive that. I had a conversation with an officer in Government who may well represent these people. He did not tell me he had anybody speaking to him about this other than ... and I did what he asked, which was to review the guidance. I have to say that I was not happy about it when it came in in the first place, but it is guidance and, as I have said, it cannot change ... the policy H9 is a particularly strong policy. I believe it works well, and I made my decision accordingly.