

STATES OF JERSEY



ASSEMBLY APPROVAL FOR SUPPLEMENTARY PLANNING GUIDANCE

Lodged au Greffe on 14th December 2022
by Deputy M.R. Scott of St. Brelade
Earliest date for debate: 17th January 2023

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to agree that the prior approval of the States Assembly must be sought before the implementation of the following policies further to the Bridging Island Plan –

- (a) interim policy H9A as set out in [draft Supplementary Planning Guidance ‘Housing Outside the built-up area’ dated October 2022](#) (introducing the proposed restriction of new residential development of homes outside the built-up area where they are in excess of 279 square metres or 3,000 square feet gross internal floorspace’); and
- (b) interim policy H2A as set out in [draft Supplementary Planning Guidance ‘Density’ dated October 2022](#) (introducing the proposed encouragement of minimum residential density in various locations such as Les Quennevais and St. Brelade’s Bay).

DEPUTY M.R. SCOTT OF ST. BRELADE

REPORT

The Minister of the Environment issued two new interim policies, H9A and H2A, (“the Policies”) in October 2022 in the form of Supplemental Planning Guidance. These Policies were issued in draft form to enable consultation prior to review and adoption. Such consultation indicates a belief that they require input from both stakeholders and the public in general.

While the powers of the Minister for the Environment under Article 6 of the [Planning and Building \(Jersey\) Law 2002](#) are referred to in the response to my written question [WQ.317/2022](#), the significance of these particular Policies cannot be understated. To introduce them as Supplemental Planning Guidance, using the Minister’s executive powers under Article 6 of the Planning Law and without States Assembly approval, is, I believe, both inappropriate and less than transparent.

The Bridging Island Plan sets out the proposal under which the Minister should develop supplementary planning guidance.

Proposal 25 – Housing outside the built-up area

The Minister for the Environment will develop supplementary planning guidance to assist with the interpretation and application of Policy H9 - Housing outside the built-up area.

There is [published guidance](#) on what types of documents are regarded as supplementary planning guidance. These include advice notes offering guidelines and master plans. Advice notes, which have lesser regulatory impact than policies, are very much the norm, as can be seen by the list of published supplementary planning guidance on the Government’s website.

The Policies refer to themselves as policy notes, as defined in the Policies themselves –

Policy notes: which can be issued by the Minister, usually following consultation with key stakeholders, in-between reviews of the Island Plan, to supplement and complement the existing planning policy framework;

I do not deny the rights of the Minister to undertake such work and to approve it accordingly. What I do believe merits debate is whether these Policies are indeed ‘supplementary’. They are too far reaching to be considered supplementary - and merit greater consideration. I consider that it would have been more appropriate for them to be included in the next Island Plan.

I appreciate why the Council of Ministers wish to bring policies to reflect the Chief Minister’s 100 day plan within a shorter timeframe but do not agree that, unlike the mini-budget or proposed changes to hospital plans, they should be brought in without a full and informed debate of the States Assembly.

The aim of my Proposition is to ensure that these substantive new Policies are debated by the States Assembly as a whole, ensuring that they cannot be adopted unless approval by States Members is given.

Financial and manpower implications

There are no financial and manpower implications arising from this amendment.