

# STATES OF JERSEY



## ISLAND PLAN 2011: APPROVAL (P.48/2011): TWENTY-SEVENTH AMENDMENT

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Lodged au Greffe on 26th April 2011  
by Deputy S. Power of St. Brelade

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STATES GREFFE

ISLAND PLAN 2011: APPROVAL (P.48/2011): TWENTY-SEVENTH  
AMENDMENT

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**PAGE 2 –**

After the words “the revised draft Island Plan 2011” insert the words “except that –

- (a) for Section 6 ‘Housing’ (pages 223 to 268) and Appendix B ‘Housing Site Assessments’ substitute the following paragraph and Proposal –

‘6.1 The issue of Housing requires further consideration, and a revision to the Plan on this subject will be presented separately to the States Assembly for approval at a later date.

**Proposal 17 – Housing**

The Minister will bring forward for approval by the States a revision to this Plan to make new provision for Housing. In the interim period Section 8 ‘Housing’ of the Jersey Island Plan 2002 will remain in force.’

and renumber the draft Plan accordingly;

- (b) in the section ‘Superseded development plans (page xvii) after the words ‘5. Jersey Island Plan 2002, as amended’ insert the words ‘(with the exception of Section 8 – ‘Housing’);’;
- (c) the revised draft Island Plan 2011 be further amended in such respects as may be necessary as a result of the deletion of Section 6 and Appendix B.”.

DEPUTY S. POWER OF ST. BRELADE

## REPORT

I served on the Health, Social Security and Housing Scrutiny Panel between 2006 and 2008. I concentrated on the Scrutiny of Housing at that time. Latterly, I then spent over well over 2 years as either an Assistant Minister or Minister at the Housing Department. In that period between March 2007 and June 2010, I was also a member of the Planning Applications Panel.

I have become familiar with the major issues in the supply of housing on the Island. I am not as concerned with the provision of Category B housing. I am far more concerned with the supply of Social Housing, First-Time Buyer housing and further provision of Homebuy or Deferred Payment housing.

This draft Island Plan in the section dealing with Housing is akin to trying to study the scaffold profile of a proposed building in thick, thick fog. I say this because the confusion in the role and definition of titles and responsibilities now at the Planning and Environment Department confuses many and this Plan reflects this internal confusion.

The draft Island Plan therefore, while dealing with planning and development matters, does not care to embody these terms in its title, presumably because these are undesirable tags or taglines.

For the purposes of this amendment, I shall deal solely with Housing, as to do otherwise would involve withdrawing other sections of the draft.

This proposed draft Island Plan in its present form does not achieve any progress in the provision of much-needed housing and indeed, many assumptions are based on out-of-date evidence.

For these reasons and the following arguments in this amendment, I propose that the whole of Section 6 be withdrawn and be brought back to the Assembly at a time in the future in a form that is workable, or at least an improvement on what is included in this draft version provided to States Members.

In all this time, I am convinced that the States must show leadership in the provision of housing and not depend on developer-led supply.

States Departments and Ministers from Treasury, through to Planning and Environment to Housing and Population are aware that, at the moment the demand for First-Time Buyer Housing is being held back by:

- A: the lack of supply of affordable First Time Buyer Housing in the price range;
- B: the lack of availability of mortgage finance and developer finance;
- C: co-ordination for the future provision of affordable housing, through planned supply with the assistance of Planning and Treasury together is nil.

### **Policy H3: Affordable Housing:**

The essence of this section of the draft Island Plan is to state that a developer may not be granted consent for residential development unless that developer provides some percentage of affordable housing.

I think the principal and onus on the conditioning of future planning consents on developers as is specified in the section on H3 sites on page 255 is not workable. The policy states that on sites with a limited capacity:

- 1: Supplementary Planning Guidance will be issued;
- 2: Affordable housing will be provided by a commuted payment;
- 3: The proportion of affordable housing to be provided will be increased over time, rising from an initial rate of 12.5% to 20%.

There are 3 major problems here. There is no definition of commuted payment, there is no indication of supplementary planning guidance and the % rounding up on a small site discriminates against the developer of a small site.

For example, if a developer has a small site suitable for 3 houses, under the proposed Island Plan, one of the 3 houses would have to be affordable and would reach a percentage rate of 33%. Most developers would not be able to do this, owing to site value and costs on the Island.

The presumption in the draft Island Plan is for private development to lead in the supply of affordable housing. This simply will not work.

The States itself, through the Minister for Planning and Environment, led in the provision of deferred payment housing at La Providence and while 46 homes were delivered at an affordable price of about £260,000 at no cost to the taxpayer, the criticism levelled at this prototype scheme from within the States system was lamentable.

Developer-led affordable housing schemes are unlikely to work and it cannot be considered as a reliable supply for affordable housing. Furthermore, it cannot be conditioned under a planning obligation.

Worse still, the supplementary planning guidance on La Providence has, to date, not been issued, and Appendix A of the draft Island Plan simply lists H3 and H4 as in both cases with supplementary planning guidance “to be developed”. The concentration on private developer supply is folly.

States Departments such as Treasury and Planning need to lead and there is little or no evidence on this draft Plan.

### **Out of Date Data:**

This draft Island Plan makes a number of assumptions based on the 2001 Census. This information is out-of-date and any new Island Plan should rely on up to date data. It is clear that the population has increased in the last 10 years. However, the extent of that increase is unclear, as some of the increase in net immigration in the past decade may have dissipated owing to the recent global recession. Therefore, given the assumptions

made on page 232 are based on a 2001 statistic of 32,700 private dwellings and 4,490 Housing Department dwellings. The former figure is a 2001 figure and the latter figure is a 2009 figure. It would be far more preferable to wait until the results of the 2011 Census are available for planning purposes. This happened in 2001 in the composition of the 2002 Island Plan.

### **Housing Needs Survey 2007 (Published in 2008):**

One of the most reliable sources of data on which to base housing needs is the most recent Housing Needs Survey (HNS) of 2007, published in 2008. The presentation on the Survey is attached as Appendix 1.

It is essential to realise that global circumstances have changed, but comparing the key findings and recommendations of this report with what is included in the Draft Island Plan leads me to believe that little or no attention has been paid to the HNS 2007.

### **The key findings of the HNS of 2008 were:**

#### **Housing Requirements by tenure**

- notable potential shortfalls in 2-, 3- and 4-bedroom owner-occupier properties
- potential surplus of 1-bedroom units in most qualification and tenure categories:  
*but dependent on the complementary availability of larger accommodation so that households can move*

#### **Timing**

- About ⅔ are looking to move in the next 2 years

#### **Affordability**

- Existing households generally show understanding of Jersey property prices
- Concealed households indicated prices lower than mean selling prices for 2007.

#### **First-Time Buyers**

- FTB show a large demand for 2-bedroom properties and for 3-bedroom houses
- data on intended purchase price and household income => affordability
- 9 out of 10 want a standard mortgage
- If can't get a mortgage: ⅓ would be interested in shared equity

In addition, the following was clearly stated:

#### **Older Persons' Housing**

- Total 5-year shortfall of up to **400 units (upper bound)**
- Additional demand of ~75 units for nursing/residential care

**Residential qualification changes over the next 5 years:**

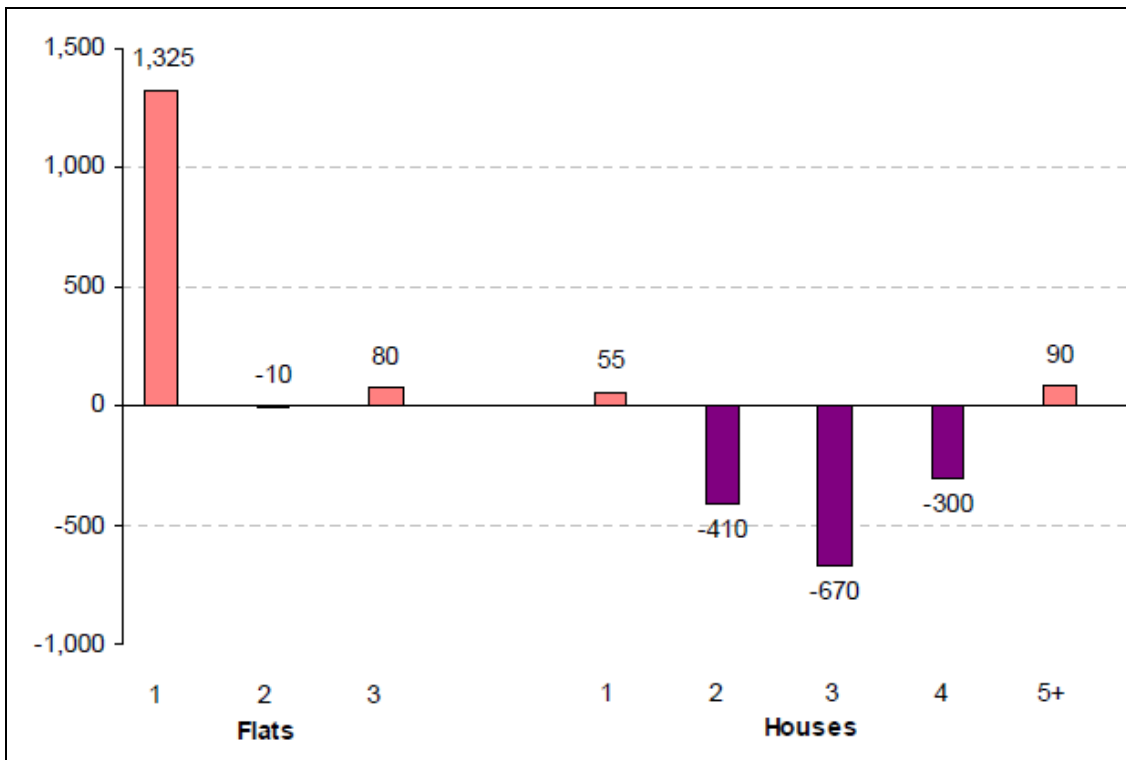
Reducing the qualification period from 12 years down to 10 years:

- Increases potential shortfall in 2-,3- and 4-bed owner-occupier properties by > 200 units.

**Net Migration**

- net inward migration increases potential shortfall in 1- to 4- bedroom owner-occupier accommodation by 1½ % (35 properties in 5 years) for every additional 50 in-migrant households per year
- survey results provide modelling tool to address any profile of net migration

**Five year shortfalls and surpluses by type and size of dwellings**



- **smaller-sized dwellings show potential surplus, over 1,300 1-bedroom units**
- **potential shortfalls occur in larger-sized dwellings, notably 2-, 3- and 4-bed houses**

Tenure /Size	Qualified Sector				Non-Qualified Sector					Total
	Owner occupier	States rental	Housing Trust/Parish rental	Private rental	Private rental (NQ)	Registered Lodging	Staff/ service	Private Lodging		
1 bed	(35)	140	(55)	890	255	105	5	75	1,375	
2 bed	(1,320)	105	(110)	850	70	5	(15)	–	(420)	
3 bed	(835)	(25)	(30)	215	100	5	(25)	–	(600)	
4 bed	(380)	(10)	10	65	30	–	–	–	(290)	
5+ bed	45	+	–	45	–	–	–	–	90	
<b>Total</b>	<b>(2,525)</b>	<b>210</b>	<b>(185)</b>	<b>2,060</b>	<b>450</b>	<b>110</b>	<b>(35)</b>	<b>75</b>	<b>155</b>	

This data above contrasts with the table provided on page 238 of the draft Island Plan. This table bears no relation to the assessed demand shown by the HNS.

**Table 6.3 Supply of Homes 2011–20**

Supply	Delivery Period				Total
	2011–2015		2016–2020		
	Category A	Category B	Category A	Category B	
2002 Island Plan Category A housing (H2 sites)	125	0	0	0	125
2002 Island Plan amendment: Lifelong and first-time buyer homes	300	0	0	0	300
St. Helier Waterfront	0	600	0	400	1000
Town of St. Helier	75 <sup>(1)</sup>	675	125 <sup>(1)</sup>	625	1500
Windfall	75 <sup>(1)</sup>	750	175 <sup>(1)</sup>	700	1700
Rural Centres (Policy H5 'Housing in rural centres')	25	0	75	0	100
Rezoned Category A housing sites ('Category A housing')	125	0	0	0	125 <sup>(2)</sup>
States-owned land	50	0	100	0	150
Less outworn sites	-300	0	0	0	-300
<b>Total</b>	<b>475</b>	<b>2,025</b>	<b>475</b>	<b>1,725</b>	<b>4,700</b>

While economic circumstances have changed, these figures represent real people and by and large, they are still here. The economic recession has put the demand statistics in abeyance for 2, maybe 3 years. When the Island economy recovers, these demand figures will kick back in and the demand for housing along the lines of the HNS 2007.

### **The (Draft) Jersey Island Inspectors' Report:**

The Planning Department went to some pain and effort to laud its public consultation efforts and, in doing so, retained 2 Planning Inspectors to carry out an independent inspection of the provisions within the Draft Island Plan. On looking through section 6 of the draft on Housing, there is no reference to the Planning Inspectors' report or any of its findings.

The relevant section of the report (pages 50 to 76) is attached in Appendix 2 of this amendment.



In summary, both Inspectors agreed the following –

- 1: Page 61: 8.61. On sites in Policy H1, they recommended that the Samarès Nursery site be included and retained in the draft Island Plan.
- 2: Page 62: 8.66 to 8.76. The problem of affordability is complex and getting worse in Jersey. The report lists in some detail the reservations many have in relation to the proposed H3 Policy and how the percentages for conditioning affordability supply on developers would be “cumbersome”.
- 3: Page 71: 8.111. One of the Inspectors, having expressed his reservations on the H3 affordability model forced on developers, recommended that the model be relaxed in the early stages.
- 4: Page 71. 8.115: The same Inspector further recommends that the scheme should not be introduced immediately and that it should be phased in (if it had to be) gradually and over a period of time.
5. Page 72: 8.121. He notes the lack of Supplementary Planning Guidance Notes and recommends that they need to “BE IN PLACE” with some priority.

It is odd in the extreme that there is no reference to the Independent Inspectors’ report in the section on Housing. There are key findings here and key recommendations that would have materially changed the Draft Island Plan, had they been included.

#### **Association of Jersey Architects Report:**

The Association of Jersey Architects (AJA) played a full role in the evolution of the Draft Island Plan. They made submissions throughout the process, and made detailed statements throughout the tenure of the investigations made by the Independent Inspector. Their submission is included in Appendix 3 to this amendment.

Some key comments are as follows and are not included in the final Draft of the Island Plan.

#### 10.0 Housing

- 10.1 The 2009 Draft Plan recognises the Plan is unlikely to make proper provision for Islanders housing needs, warning in para 4.10 (bold type as used in the Plan) that “It needs to be clearly recognised.

However, that unless land in the Built-up Area is developed at higher and more land efficient densities than have previously been achieved, in accordance with the strategic policies of the Plan (Policy SP2 ‘Efficient Use of Resources’), it will not be possible to meet all the Island’s identified needs, particularly for housing, without reviewing the need to release greenfield sites for development during the Plan period.”

This indicates the density of development within Built-up areas will have to dramatically increase to satisfy the Plan policies, overcoming other policies within the 2009 Draft Island Plan such as building height, Green Backdrop and skyline.

- 10.2 The concentration and intensification of all development within St. Helier risks further polarising serious social divides (the haves in country houses with have-nots in dense urban areas) and causing harmful damage denying our younger locals the opportunity of ever owning their own home. This approach was tried out in the 1960s with the urban high-rise developments, resulting in social problems.
- 10.3 There are glyph maps incorporated into the 2009 Draft Plan for virtually all demarcated zones/areas, except one delineating the proposed Built-up Area extent.

This is contained within the stakeholders' presentation and the lessons we learn from it are so important we reproduce it (by permission from Planning and Environment Department) herein.

### Affordable Housing – Policy H3

- 10.11 The AJA is of the common opinion that the requirement to provide social housing from private developments will, quite simply, bring all private housing developments over 2 or more units to a complete stop.

It is simply unrealistic to expect private housing purchasers, through the developer, to pay for 40% of the development being subsidised – whether this is by way of a commuted payment or actual homes makes no difference. For example a small development of 3 houses will require the developer to make a commuted payment equating to allocating 2 of those houses as low cost homes.

### **Conclusions:**

The Draft Island Plan in its present incarnation should not be used and should be withdrawn.

The 2002 Island Plan should be continued to be used until the 2011 Census results are published and made available to States Departments.

Many of the recommendations of the report of the Independent Inspectors have been ignored.

This draft Island Plan in the section dealing with Housing is akin to trying to study the scaffold profile of a proposed building in thick, thick fog. I say this because the confusion in the role and definition of titles and responsibilities now at the Planning and Environment Department confuses many and this plan reflects this internal confusion.

Almost 500 pages have been produced to tell the Island what is NOT possible and to be honest, it could have been a lot shorter. The section 6 on housing is particularly disappointing because it makes little or no provision for housing need in the next decade. Its legacy, if adopted, will heap problems on the next Minister for Planning and Environment, and it will result in major modification.

The demand for housing is in abeyance at the moment owing to the well-documented problems facing the banks and the poor availability of mortgage finance.

What is very clear is that the Council of Ministers are not working in unison. If they were, there would be an integrated approach by Treasury, Economic Development and Planning on the supply of affordable, First-Time Buyer and Homebuy Mark 2. There is simply no evidence of this. While at the Housing Department, I made these warnings clear to the Council of Ministers many times.

This is so disappointing. Now is the time to invest in the local infrastructure when there is spare capacity in the construction industry. Now is the time to invest in drains, sewers, social housing, civic projects, even Fort Regent. Now is the time to use the Strategic Reserve wisely in creating local work using local contractors, local architects and local professionals.

What is equally clear to me is that, far from having a slowing effect on house prices, the supply of flats through extensive construction projects over the past 5 years will have a levelling-out effect on this sector of the market. However, the shortage and lack of availability of affordable houses, first-time buyer houses and Homebuy Mark 2 will have a profound effect, in my opinion on house prices, and these will inevitably spiral as soon as mortgage availability recovers.

There is no reference to the word **planning** or the word **development** in the title of the draft Island Plan. The Minister for Planning and Environment has also assumed responsibility for the Island's International Relations and Affairs.

Two Assistant Ministers have been appointed, and as yet the delegated powers of the Deputy of St. Peter for Planning and Deputy R.C. Duhamel of St. Saviour for Environment are not clear or easy to find or understand. The function and role of the Connétable of Trinity is clear, but the full role of the responsibilities of the Planning Applications Panel is not clear.

The Minister chooses to deal with certain applications himself, and what the Planning Applications Panel does or does not deal with is unclear. Plémont, Field 621 and Field 1248 are clear examples of undefined boundaries and applications that have bounced from Minister to Panel and back again.

The Ministerial Planning meetings then add to the confusion with the Minister for the Environment, the Assistant Minister for Planning, the Assistant Minister for the Environment, the Chairman of the Planning Applications Panel, the Director of Planning and the Department Architect all appearing at Ministerial planning meetings.

Therefore, in the debate on the Draft Island Plan, I will play my part in working to getting it rejected.

### **Financial and manpower implications**

There are no direct financial or manpower implications for the States arising from this amendment.





## Background

- 3<sup>rd</sup> round of this survey: previously in 2000 & 2004
- Commissioned by Planning & Environment and Housing
- Run and analysed independently by the Statistics Unit
- Provides estimates of the **potential** housing requirement for the next five years (2008-2012)
- Will enable **modelling** over longer time scales



## Context

- Point in time estimate of dynamic housing market
- Reports the potential of what may happen
- A planning tool rather than a definitive statement
- Results present a complex jigsaw where all the pieces (i.e. potential moves) are fitting together; the extent to which moves can and do take place will determine whether the potential shortfalls and surpluses actually do occur.
- Results do not include allowance for properties currently being built, planned or in the pipeline



## Headlines

### Housing Requirements by tenure

- **notable potential shortfalls** in 2-, 3- and 4-bedroom owner-occupier properties
- **potential surplus of 1-bedroom units** in most qualification and tenure categories: *but dependent on the complementary availability of larger accommodation so that households can move*

### Timing

- About **⅓ are looking to move in the next 2 years**

### Affordability

- Existing households generally show understanding of Jersey property prices
- Concealed households indicated prices lower than mean selling prices for 2007.

### First Time Buyers

- FTB show a large demand for 2-bedroom properties and for 3-bedroom houses
- data on intended purchase price and household income => affordability
- 9 out of 10 want a standard mortgage
- If can't get a mortgage: ⅔ would be interested in shared equity



## Headlines

### Older Persons' Housing

- Total 5-year shortfall of up to **400 units (upper bound)**
  - Additional demand of **~75** units for nursing/residential care
- Residential qualification changes over the next 5 years:**  
**Reducing the qualification period from 12 years down to 10 years:**
- Increases potential shortfall in 2-, 3- and 4-bed owner-occupier properties by > 200 units.

### Net Migration

- net inward migration **increases potential shortfall** in 1- to 4- bedroom owner-occupier accommodation by 1½ % (35 properties in 5 years) for every additional 50 in-migrant households per year
- survey results provide modelling tool to address any profile of net migration





## Survey design and response

- Survey design:  
Census of States tenants (~4,500 households)  
Random sample of all other tenures (~5,650 households)  
=> total of ~10,150 questionnaires sent out
- Response:  
Total returns: ~5,550 => response rate of 56%

## Weighting and grossing

- Weights  
Different response rates and different sampling proportions => **weight by tenure**  
to produce representative survey results e.g. States tenants ↓ (wt < 1); NQ ↑ (wt > 1)
- Grossing  
Scale up from sample totals to full Island totals => multiply by ~ 6.6



# Analysis

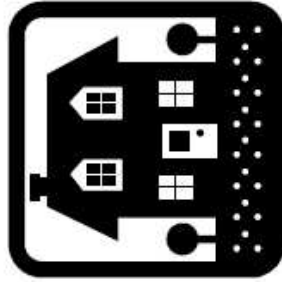
## Section 1: Type and size of property

Supply

Existing

Death & care

Leaving



Demand

Existing

Concealed

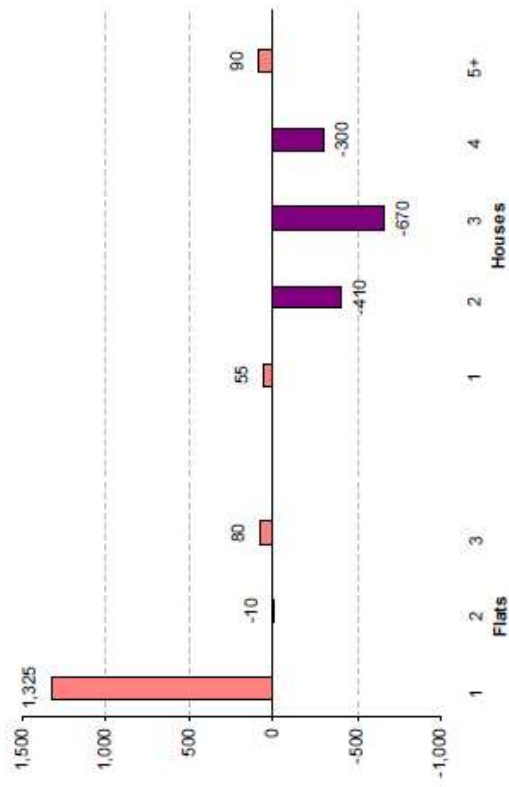
In-migrants

Baseline analysis: assume net nil migration (Leaving HH = In-migrant HH)

STATISTICS UNIT



### Five year shortfalls and surpluses by type and size of dwellings



- potential shortfall of almost 1,400 dwellings overall
- smaller-sized dwellings show potential surplus, over 1,300 1-bedroom units
- potential shortfalls occur in larger-sized dwellings, notably 2-, 3- and 4-bed houses



# Analysis

Section 1: Type and size of property

## Section 2: Tenure and size of property

Includes Non-qualified households which are:

- already qualified but still living in the non-qualified sector
- gaining qualifications in next 5 years under the current Housing Law (12 years residency)

Baseline analysis: assume net nil migration (Leaving HH = In-migrant HH)



## Table 6: core table

Table 6: Five-year requirement (supply-demand) by tenure and size of dwelling unit.

Tenure/Size	Qualified Sector				Non-qualified Sector				Totals
	Owner-Occupier	States rent	Housing Trust/ Parish rent	Private rental	Private rental/INQ	Registered House	Lodging	Staff/ service	
1 bed	35	140	65	890	255	105	75	5	1,375
2 bed	1,320	105	110	850	70	5	-	15	420
3 bed	835	25	30	215	100	5	-	25	600
4 bed	360	10	10	65	30	-	-	-	290
5+ bed	45	-	-	45	-	-	-	-	90
<b>Totals</b>	<b>2,525</b>	<b>210</b>	<b>185</b>	<b>2,060</b>	<b>450</b>	<b>110</b>	<b>75</b>	<b>35</b>	<b>155</b>

- **Large owner-occupier** shortfalls for 2-, 3- and 4-bedroom dwellings, driven by:

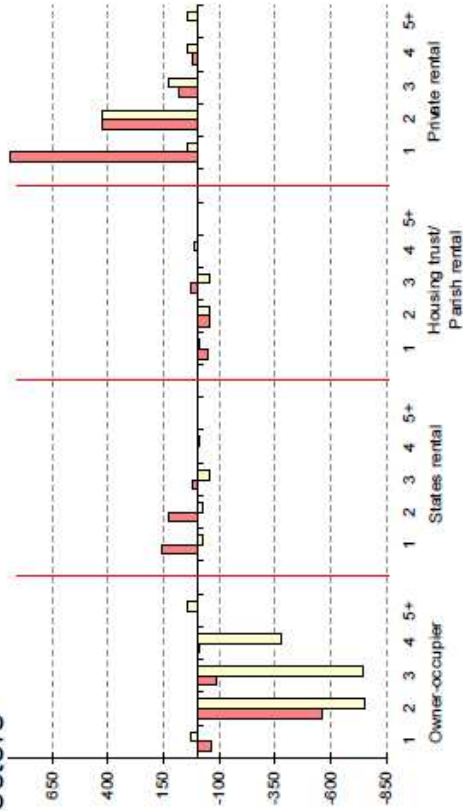
- 'existing' dwellings planning on moving
- 'concealed' and private rental households wanting to purchase their own property
- 'in-migrant' households entering the owner-occupier sector

- **Non-qualified sector:** no large shortfalls due to ongoing churn within the sector and movement of households into the qualified sector.



## Core Results from Table 7

Tenure and property size split between Flats and Houses



### Owner-occupier shortfalls:

- 2-bedroom: 43% Flats; 57% Houses
- 3-bedroom: 90% Houses
- 4-bedroom: 98% Houses

### Private rental sector surpluses:

- 1- and 2- bedroom flats (1,260 units)
- 2- and 3-bedroom houses (555 units).  
*If tenure were not an issue, these large potential shortfalls could potentially satisfy some of the demand in the owner-occupier sector.*

STATISTICS UNIT

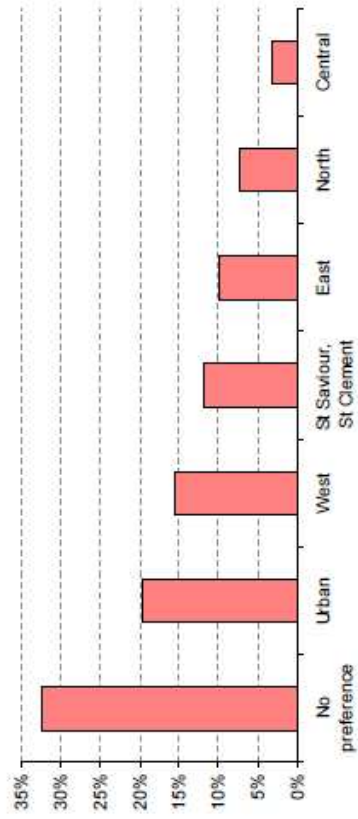


## WHEN? (Table 8)

### Owner-occupier potential shortfalls

- Three-fifths are expressed as **short-term need** (within next 2 years)
- 2-bedroom shortfall is spread evenly across the next 5-year timescale
- **demand for 3- and 4-bedrooms** units is more pressing: over  $\frac{3}{4}$  required in **next 2 years**

## WHERE?







## Leavers and In-migrants

Figure 5: Housing qualifications of 'Leavers'

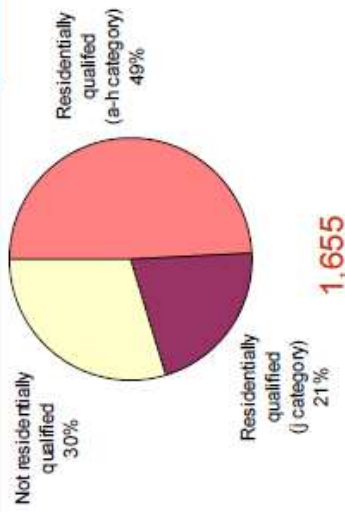
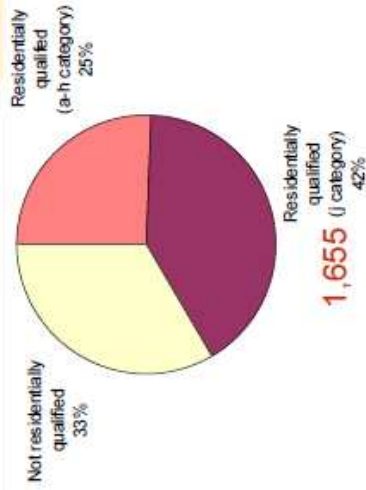


Figure 6: Housing qualifications of 'In-migrants'



Baseline analysis: assume net nil migration (Leaving HH = In-migrant HH)

- Residential qualification profile of 'leavers' differs from that of 'in-migrants'
  - > 42% of resident in-migrants are j-category qualified households, some of which add to the owner-occupier sector (16% of potential demand)
  - > 40% of leavers reasons stated being "unable to afford to buy property"
  - > a third of leavers also stated Jersey was "too expensive"





## “Realistic Aspiration”:

Remove from analysis: desired dwelling size (number of bedrooms) > number of occupants + 1

- Reduces potential shortfall in 2-, 3- & 4-bedroom owner-occupier properties by some 250 units
- Potential surplus in 5-bedroom properties could address more than half of shortfalls in 4-bed
  - Shortfall in 2-, 3- and 4-bedroom owner-occupier houses falls by over 300 units
  - Shortfall of 2-,3- and 4-bedroom flats increases slightly to 700 units (from 650)

## Affordability Restriction

- Looking at the ratio of household income to intended property price;

**Affordability restriction:** removing households with a ratio >12

- = Has little effect on overall shortfalls in the owner-occupier sector
- reduces 2-, 3- and 4-bedroom shortfalls by some 100 units



# Affordability

Table 13: Expressed affordability by type and size of dwelling unit (£ thousand).

Type/ Size	Existing	Concealed	Jersey average 2007	Inter-quartile range <sup>2</sup> of Jersey house prices Q4 2007
<b>Older Persons Housing</b>				
1-bed	270	-		
2-bed	290	320		
<b>Flat</b>				
1-bed	160	180	180	160 to 210
2-bed	250	210	250	230 to 290
3-bed	350	-		
4-bed				
<b>House</b>				
1-bed	310	130		
2-bed	320	270	340	300 to 420
3-bed	440	360	440	390 to 550
4-bed	690	400	570	530 to 850

Prices are rounded to the nearest £10,000.

- Existing households generally showed an understanding for current property prices
- Concealed households indicated prices lower than the 2007 mean selling prices



# First-time Buyers (FTB)



## First-time Buyers

some 3,000 households are potential FTB (37% concealed & 63% existing)

- two-thirds of FTB (~2,000) are coming from private rental accommodation

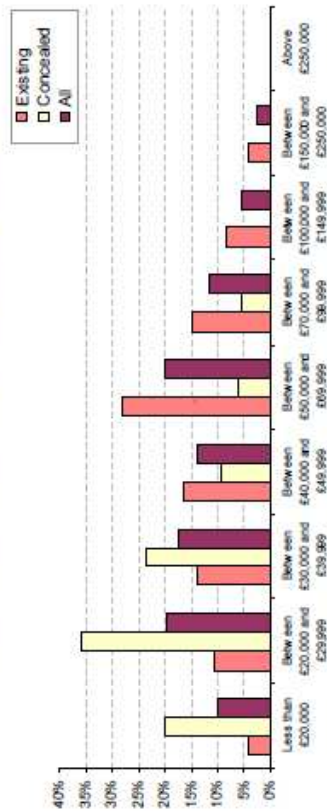
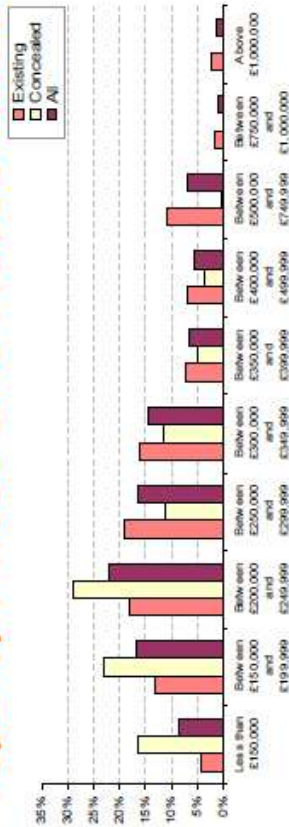
Table 16: Demand by property type for first-time buyers over the next five-years

	Percentage	Number of Households
<b>Flats</b>		
1 bed	10%	295
2 bed	23%	720
3+ bed	3%	110
	<b>36%</b>	<b>1,130</b>
<b>Houses</b>		
1 bed	1%	20
2 bed	20%	625
3 bed	33%	1,040
4+ bed	10%	305
	<b>64%</b>	<b>1,990</b>

- Over 40% of first-time buyers would like a 2-bedroom property
  - 720 flats and 625 houses.
- Large demand for 3-bedroom houses: over 1,000 households



## FTB Property Prices and Household Income



■ nine out of ten (89%) FTB want a **standard mortgage** to purchase property

➤ If they *could not* get a standard mortgage: **two-thirds** would consider shared equity



# Residential Qualifications and Net Migration

STATISTICS UNIT





### 1. Effect of reducing the residential qualifications to 10 years:

- maximum of **~500** additional non-qualified households qualifying by 2012
- housing data shows that **two-thirds** actually take up consents;

Based on past behaviour of such households it could be expected that:

- **33%** owner-occupiers: **~110** households
- **61%** private rental sector: **~200** households
- **6%** social rental sector: **~20** households

### 2. Net Migration ([reported migrant profiles from the survey criteria](#))

**Inward Migration** = for **50 in-migrant** households entering per year for 5 years:

- an additional **35** households entering areas of potential shortfalls already identified in **owner-occupier** accommodation
- an additional **demand** for over **100 private rental households**; *in principle this can be met by the potential surpluses within that sector*

**Net outward migration is the opposite to the above scenario!**



## Net migration by Residential Qualifications

The survey results provide us with a **generalised modelling tool** whereby additional potential surpluses and shortfalls (on top of those already established) may be derived for any net migration scenario

*specified in terms of the level and profile of migrants by residential qualification*





# Older Persons' Housing (OPH)

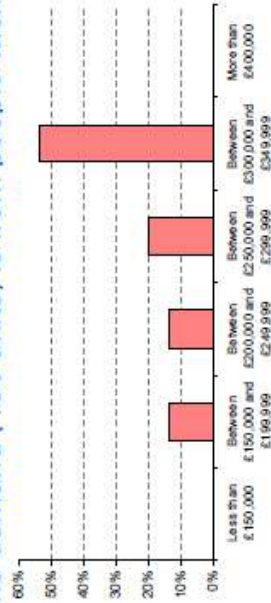
STATISTICS UNIT



## Older Person's Housing & Nursing Care

- **Main survey:**
  - Total demand for Older persons' housing over the next 5 years is ~ **300 dwellings**
  - (Supply-Demand)= **potential shortfall of 180 dwellings** of Older person's accommodation
  - Over **half** of the demand is **short-term need** i.e. in the next two-years
  - A demand for some **75 nursing/residential care homes** over the next 5 years

**Around half of the demand ( 130 units) is from people wishing to purchase**



- **28%** wish to live in the **urban area (St Helier)** of Jersey
- **23%** showed **no preference** as to where they would like to live
- the least popular areas were the northern and central parts of the Island



## Older Persons' Housing - Inclination

All respondents were asked if older persons' housing were available would they be "interested" in it?

- ~2,000 HH expressed an interest within the next 5 years
- **over half** of these stated previously that they were **not** planning on moving, of which;
  - 71% stated they were **not** moving as they were "**happy with their current home**"
  - 15% stated they were **not** moving due to there being "no suitable older persons' housing"  
(Corresponding to some 160 households)

Such responses taken together highlights the likelihood that people answered this question in terms of inclination towards a concept rather than in terms of actual need!

### Total potential shortfall in Older Persons' Housing:

- => potential total shortfall of 180 + 160 + reduced supply
- => ~ **400 units over next 5 years:** upper bound!



## Summary

- A planning tool! – reports potential requirement
- Over the next 5 years:
  - potential large shortfalls in 2-, 3- and 4-bed owner-occupier properties;
  - large potential surplus in 1-bedroom properties, *if people can move*;
  - large demand for FTB properties; data to address affordability issues
  - shortfall of < 400 units of Older Persons' accommodation.

**CHAPTER 8 HOUSING****Introduction**

- 8.1 There is no doubt that it was the housing section of the IP which raised the greatest controversy. The most significant areas of debate were the Minister's intention to remove three sites from Policy H1; and the justification for/practicality of Policy H3 dealing with affordable housing. But there were other areas of contention too.
- 8.2 There are certain decisions or policies which form an essential background to this Chapter. Firstly, the States Strategic Plan (relevant parts are summarised in paras 6.3 and especially 6.4 of the IP) establishes a clear objective that all the Island's residents are adequately housed; but it also inter alia requires that no more greenfield land should be developed. In addition it supports the development of affordable housing, and a States resolution passed by a 41-4 majority requests the Minister to bring forward a policy, in short, similar to that in Policy H3 of the IP (see Draft Housing Policies Update Note (Doc BT20) for full resolution). Crucial too, in relation to the sites in H1, is the Minister's concession that no site will be brought forward without the agreement of the Constable of the relevant Parish – hence the proposed removal of the three sites.
- 8.3 The other essential piece of background is the set of Strategic Policies in the IP, which we discussed in our Chapter 2 and generally supported. These are particularly important when it comes to deciding on the distribution of housing, and which sites to recommend for inclusion on the IP; we have already discussed some of the implications of the strategy for housing distribution.
- 8.4 In picking our way through these issues we take the following approach:
- First we look at the overall housing need assessment set out in Table 6.1 of the IP. We refer also to needs beyond the IP period, and look at monitoring.
  - Secondly, we look at the question of supply. We consider the assumptions regarding the amount of development to be accommodated in St Helier, and the windfall sites. We consider and make recommendations on the sites in H1 and also refer to other possible sites which might make up any future shortfall (cross referring to Volume 2 of our report).
  - Thirdly we consider the need for affordable housing, and we consider Policy H3.
  - Fourth we consider the question of housing mix (with reference to Policy H4).
  - Fifth we consider the rural housing policy H5 (including Proposal 14).
  - And sixth, we consider the remaining policies in the Housing Chapter, with particular reference to Policy H9, which was discussed at the EiP. We also make some points about the non-qualified sector.

**Total demand for housing 2009-18**

- 8.5 Table 6.1, with the above title, appears on page 238 of the IP. (We are careful about the title because one participant was very anxious to draw a distinction between "need" and "demand". He was right to do this, and the States admitted to a certain interchangeability between these two terms and agreed (in their



response to Pioneer Property Services Ltd dated 22 September) to revisit the terminology.

- 8.6 The table shows a demand for 2000 dwellings in each of the two periods 2009-13 and 2014-18. The background to this is set out in some detail in the documentation, primarily in Future Requirements for Homes 2005-35, dated June 2007 (Doc BT6); Addendum 2 to that document, dated March 2009 (Doc BT6b); and Jersey's Housing Assessment 2008-12, the report on the 2007 Housing Needs Survey (Doc BT5). The Island Plan Review Green Paper – Strategic Options (Doc IP1) and the "Interim Review of Residential Land Availability" Feb 2010 (Doc BT17) and the June update (Doc BT19) also give useful information about how need and demand were calculated. In addition we draw attention to the full written transcript of this part of the EIP (the session held on the morning of Day 5, 27 September, Doc HSD/STATES/1 – HHM/STATES/1). In that session Dr Gibaut from the States Statistical Unit gave a full summary of the way in which the figures in the table had been determined, and answered questions.
- 8.7 Mr Dun was sceptical about the figures, and was concerned that they would not deliver quality housing to all residents of the Island by the end of the IP period. Others felt that in view of the downturn in the economy since 2007 the figures derived from the survey may be too high; this was debated and we conclude on this point that over the IP period the various upturns and downturns in the economy will tend to even themselves out. Mrs Lee, Mrs Lissenden, Ms Valerie Harding, and Mr Mesch also suggested in their written evidence or at the EIP, in different ways, that too much housing was being planned; we have considered all the points they made.
- 8.8 However, it is our conclusion that, in the end, the assessment of *overall* demand was soundly based, and that it was not seriously challenged. This, unlike many areas of our examination, is to a large degree a technical exercise, and it seemed to us that this had been carried out to a high standard. Dr Gibaut did not argue that the figures were precise, and we have enough experience of forecasting of this kind to know that precision is impossible. His view was that for the population/household modelling figures, which account for 1500 out of the 2000 in each period, the margin of error was plus or minus 200. These figures relate to headcount population forecasts transposed to household numbers. For the "latent demand" (the remainder) the margin was plus or minus 100. These figures relate to such factors as existing overcrowding and adult children still living with parents.
- 8.9 There is a greater degree of judgement involved in the latter figures than the former; in particular regarding assumptions of what proportion of "latent demand" for new homes identified in the Housing Needs Survey should be included for the 2009-13 assessment of total demand. Current financial constraints on first time buyers add uncertainty and mean that this element of the assessment may be prudent but necessarily robust.
- 8.10 However we believe the conclusions are reasonable. They mean of course that, though we are content to work on the basis of the IP figure of 2000, we must be conscious that for each period the possible range of demand is between 1700 and 2300. This means that monitoring and implementation are crucial and we deal with this later.

- 8.11 We note that a figure for housing demand of 2000 in each period would lead to a requirement for 400 homes per year, which is somewhat lower than the figure for recent years (560 per year were built in the last eight years, though only 366 per year in the previous sixteen – see BT19). While comparisons of this kind may not always be helpful, because circumstances change so much, we do think this might provide some context for those who thought that the figures for future years were unreasonably high.
- 8.12 We also note that significantly higher population/household growth forecasts appear in the papers we have mentioned (especially BT6b) for the period beyond the IP, up to 2035. We are not asked to examine these figures of course, and the further ahead the forecasts are made the more imprecise they obviously become. We did receive information about possible sources of housing development beyond 2018 – for example in BT6b and in the Town Capacity Study (Doc BT7), which referred to moving the Port; but this obviously remains uncertain. We think it is relevant to bear in mind the potentially high post 2018 demands. Policies are not fixed in time; their effects continue beyond the specific period in question, and under-providing in the current IP period could only exacerbate the problem in later years.

#### *Monitoring*

- 8.13 Consciousness of the post 2018 position might lead to a supposition that in allocating land we should err on the higher side of the 2000 mid-point rather than the lower side. We do not make this recommendation because we do not think the hard evidence exists to point that way. We note however that on the supply side (which we examine in more detail later) the IP (as originally published) puts forward sites which it suggests could accommodate 4625 dwellings. The IP in para 6.57 says: "It is considered that the level of anticipated provision over and above the level of estimated demand (at 550 units after five years and 625 after ten years) is prudent, reasonable and justifiable given the estimates and assumptions upon which the forecasts are made in addition to the challenges that remain to ensure delivery of the homes required.....". The IP is thus seeking, by this higher figure, not just to provide for the eventuality of housing demand being higher than forecast, but also for the possibility that there may be delivery problems in relation to the sites identified. This – especially in relation to windfall sites and sites in St Helier – is something which a number of participants anticipated might be a problem.
- 8.14 All this does lead us back to the question of monitoring, and we asked questions about that at various points during the EiP. There is a discussion of this in the Housing Chapter of the IP (6.70-72) and there is also a policy (IM1 on page 465) which deals with it. Policy IM1 refers inter alia to a continuing review of housing (and employment) land supply and allocations; and also to "action to bring forward sites for development [and] development on previously developed land".
- 8.15 We think this is extremely important in relation to the demand for housing and the supply of land (and also to the question of affordability which we consider later). Given the inevitable margins for error in forecasting, we needed to be convinced that a workable mechanism for monitoring was in place. This of course must not be a process which simply absolves the Minister from making the most accurate forecast possible (or ourselves from testing that process). But on the other hand, if robust monitoring and review processes are in place it

will give us (and the participants) comfort that the obvious practicalities of margins for error in forecasting can be overcome if necessary.

- 8.16 We asked about this during the housing session (see the transcript) and also at the end of the EIP during the closing session, and at other points. We are satisfied that reasonable processes are in place. Should the demand for housing prove to be higher than forecast Policy IM1 provides for further land to be brought forward, if necessary beyond the "spare" 625 in the IP. Conversely we do not recommend any formal phasing mechanism intended as a safeguard against supply running ahead should demand prove less than forecast. Experience elsewhere is that such phasing policies can cause unexpected and undesirable distortion in the rate of supply of homes. On all the figures, over-supply is an unlikely eventuality; and harm from a modest over-supply – making some houses difficult to sell or let – would in any event have fewer consequences than a shortage and would tend to correct itself quite rapidly, through market mechanisms.
- 8.17 Nobody suggested that there should be "reserve" allocated sites identified in the IP, as there had been in 2002; this had not proved a successful approach. But in considering the sites which were put to us during the EIP (which are considered in Volume 2) we have this in mind, and we identify a small number of sites which we feel best comply with the overall strategy.
- 8.18 We are not recommending these for immediate allocation in the Plan. These sites arise from representations made in response to the Draft Plan and therefore did not feature in it during the initial public consultation stage. Including any in the Plan now would necessarily require a further round of consultation with the public and States Members (including the Parish Constables) which may well give rise to objections and risk delaying adoption of the Plan as a whole. We think that this would be undesirable, since if the Minister accepts our recommendations with respect to the sites that were indicated in the Draft Plan then we consider that adequate provision will be made against future demand so far as this is presently estimated. Furthermore, even if the IP is adopted by mid 2011 (which must be highly desirable), it will not be easy to bring forward even the sites allocated in the IP – let alone any further sites arising from this report – within the necessary timescale to meet the 2009-13 needs.
- 8.19 We should mention here, for clarity, that in Volume 2 we also in a few instances recommend minor amendments to BUA boundaries to take in small pockets of land out of the Green Zone. Subject to the Minister's acceptance, we see no impediment to these changes being made to the Plan without delay or further consultation. This would not allocate land for housing but simply change the policy context for what, inherently, could be no more than small scale proposals in possible future planning applications, themselves subject to consultation and opportunity for objections.

#### *Category A housing*

- 8.20 We deal in much more detail with the whole question of the need for affordable housing later in this Chapter of our report, when we consider Policy H3. Briefly, we conclude at that point that while the assessment of the requirement for affordable housing is imprecise, it is clear that the need is very high. The IP proposes to deal with this in two ways. The first, as in previous Plans, is to



identify sites which are to be developed for "Category A" housing (defined in the IP at 6.14). The second is to require contributions from developers through the proposed mechanism at H3.

- 8.21 The IP proposes to provide 550 Category A houses in the first period (2009-13) – of which 425 are on sites carried forward from the 2002 IP (or its 2008 amendment) and 475 in the second period – see Table 6.2. The Minister anticipates a growing contribution from Policy H3 in the second period. For the moment we accept those figures as a minimum number of Category A houses which need to be provided, but we return to the matter again later.

#### **Housing supply**

- 8.22 The question of the supply of homes is considered in the IP at 6.28-57. There are a number of background documents, most notably two recent reviews of land availability in February and June 2010, which we have taken into account. Proposed provision is summarised in Table 6.2 of the IP. It indicates sites for 2550 dwellings in period 1 (of which 550 are Category A) and 2075 in the second (of which 475 are Category A), giving an overall "over-provision" of 550 in period 1 and 75 in period 2. There are eight components in that table and we consider each of them in turn as follows.
- 8.23 The first two concern Category A sites which were identified in the 2002 IP (2002 Policy H2) or in the amendment made in July 2008 which introduced eight new sites for 300 lifelong and first time buyer homes. Though a number of participants expressed concern at the time which was being taken to bring forward some of these sites, the Minister indicated that he expected them all to become available. There is much detail on this in the Residential Land Availability Statistics, June 2010 (Doc BT19), Appendix 11. On the evidence we were given we accept the figures given (125 and 300).
- 8.24 The third concerns the Waterfront development in St Helier – from which 600 and 400 are anticipated in the two plan periods. A number of participants expressed doubt about this; and we are aware in general terms of the delays affecting that development. No evidence was forthcoming – indeed probably none was possible – about the precise effects this may have on the figures. It seems reasonable to us to assume that during the IP period as a whole (up to 2018) development will in fact take place – though there must be serious doubt about how much will occur before 2013. We say this on the assumption that as the Jersey and global economies recover, so will the underlying demand for modern, high quality well located offices. We have no basis for essaying a figure for this; but at the least we think that the 600/400 may become 400/600 and that in fact the picture in the earlier years may see fewer dwellings coming forward. This may account for much of the "over-provision" of 550 in the 2009-13 period.
- 8.25 The fourth concerns development within the town of St Helier, where it is anticipated that 1500 dwellings will be provided, divided equally with 750 in each IP period (of these 100 in the first period and 200 in the second would be Category A). We received many representations about this, and we have touched on it previously in this report where we discussed St Helier itself. See in particular our comments on Policy SP1 in paras 2.11 onwards of this report, and also our comments in Chapter 6. It is not necessary to repeat those arguments.

- 8.26 However, notwithstanding our support for the overall strategy to concentrate development in and around St Helier, we must take account of those representations which questioned whether St Helier could accommodate this level of development, at least without severe damage. The only specific evidence we received on this was in the Town Capacity Study (July 2008 Doc BT7). This contained a range of different assumptions about density and deliverability, but concluded that between 1300 and 2400 dwellings might be constructed in St Helier, depending on density, and assuming that 66% of identified possibilities materialised. The document discussed the possibility of assuming that up to 100% of sites might become available; but we agree that this would be an unrealistic assumption – even the figure of 66% may be on the optimistic side given the difficulties of land assembly etc. It also discusses making higher assumptions about density but again we feel that the higher capacity values should not be exceeded in making these estimates.
- 8.27 Participants questioned one part of this in particular. It was argued that because the Waterfront development was behind schedule, the consequent development opportunities which might arise from buildings vacated as a result of movement to the waterfront might not materialise. This is a significant part of the provision described in the Town Capacity Study, and there is clearly some force in the argument; but it tends to push capacity back to the second part of the IP period rather than to remove the capacity altogether.
- 8.28 The table, as we have said, assumes 750 in each of the two five year periods; and the capacity study argues a total potential of between 1300 and 2400 over ten years. So there is a considerable margin for error. No participant suggested to us how we might quantify this. But there are reasons to question the provision in the earlier period because of the Waterfront delay. We think that, with the Waterfront itself, it eats further into the "over-provision" of 550 in the first period.
- 8.29 The fifth figure in the table concerns "windfall" sites. The table assumes a total of 1700 of these, split between 850 for 2009-13 and the same for 2014-18 (with 100 in the first period and 200 in the second for Category A). This is based on past trends - see p 240 of the IP. By their very nature, the emergence of such sites is extremely difficult to predict with any degree of certainty; and extremely difficult for participants to question. Though there was a degree of scepticism (see for example Mr Fleet's submission), participants were more concerned with the problems of housing mix and the problems of providing affordable housing (via H3) on these (generally) smaller sites, rather than with the quantum. We therefore accept this figure.
- 8.30 The sixth figure concerns rural centre (Policy H5) housing. We deal with this issue later in this report; but we conclude here that the figures of 25 (2009-13) and 75 (2014-18), all Category A, are reasonable.
- 8.31 The eighth category concerns the loss of "outworn sites" (-300). This was debated at the EIP, in response to various questions raised by respondents. We were told that no new land would emerge from this exercise; there would be a net loss of 300 units due to refurbishment of Housing Department property, essentially to raise standards. We accept this. We note that there is no certainty that this work would take place during the first IP period; should it be delayed, it would tend to improve the supply position as set out in the table in respect of the 2009-13 period.

8.32 We have omitted the seventh category (the H1 sites in the IP), which receives a section to itself below. Of those considered so far we conclude that the delay in the Waterfront scheme means that a number of potential sites identified for 2009-13 will in fact not materialise until the second period. We have no evidence on which to base a quantification of this – indeed it cannot be quantified. As there is an “over-provision” in that period, this is not the problem it might have been, especially as some of the “lost” 300 may be delayed until period 2; but it does in our view mean that there is little margin for error remaining in the 2009-13 period. For the second period, assuming the Waterfront scheme eventually goes ahead in some form not too different from the current proposals, we conclude that overall demand is likely to be met by available supplies.

#### *The H1 Sites*

- 8.33 Policy H1 of the IP identifies seven sites specifically allocated for Category A housing. The background is set out in paras 6.73-6.85 of the IP, and in Appendix B draft housing briefs are set out for each of the sites. (We asked at the EIP whether participants felt that the briefs were adequate and appropriate – assuming the sites went ahead – and we conclude that they are). In total these sites would yield between 197 (at 10 dwellings per acre) and 298 (at 15/acre) dwellings – a yield of 200 is assumed in Table 6.2.
- 8.34 In a proposed modification, the Minister intends to omit three of the sites – Samares Nurseries, Longueville Nurseries, and Cooke’s Rose Farm – from the IP; at the lower density these would respectively provide 100, 10 and 13 dwellings out of the 200 total. The reason for the proposal is the agreement the Minister made that he would not pursue sites which were not supported by the Constables of the relevant Parishes.
- 8.35 The Minister indicated in his closing presentation that he intended to remove the seventh site in H1 – Field 633, St Peter’s, from the IP. This site was rezoned in June 2010 for elderly persons housing and permission was granted for 14 lifelong homes (+ 1 home for a warden). In the IP this site was assumed to accommodate between 10 and 15 Category A dwellings.
- 8.36 The three sites proposed for removal clearly constitute one of the most controversial issues in the IP – perhaps the most controversial. We have considered it very carefully.
- 8.37 We deal as we have said with the question of the need for affordable housing later; but we consider that need to be substantial. Firstly, therefore, we do not accept that removing the provision of more than half of the potential sites, without replacing them, would be acceptable. We could see no dissent from this view.
- 8.38 Second, we therefore asked whether there are alternatives. The result of this was the production of the Draft Housing Policies - Update Note (Doc BT20). This was heavily criticised by participants at the EIP, and we share the concern which was expressed. A table in that paper set out, essentially, two alternatives. The first was to increase the density on the remaining four sites in H1. In one case (Field 633), which we have already mentioned, the figure had already been raised from 10 to 14. In another (Field 1219) there is a proposal of which we are aware to extend the development area of the site (by excluding an

allotment proposal), and this could raise the total – if it were approved – from 20 to 42 on that site. Whether the higher densities on the remaining two sites will be acceptable remains to be seen – the Minister had, rightly in our view, taken a conservative view of their potential in preparing the IP. We are conscious of the need for family housing as part of the provision of Category A sites; while these might well be provided on several of the H1 sites, significant increases in density might make this more difficult.

- 8.39 The other alternative was the development of school sites such as D'Hautree or Le Mont Cantel in St Helier, which we viewed on one of our visits. It is far from clear however whether these or other school sites will be available in the timescale required – or, indeed at all. It is not clear that Education are willing to release them. Several participants questioned their availability. As we note in Chapter 9 (para 9.3) the D'Hautree site is safeguarded for educational purposes under IP Policy SCO1. On the evidence before us we conclude that it would not be wise to rely on these sites.
- 8.40 We note also in this connection that States policy (resolution P117/2009) is that the Department for Property Services is to seek the best market price for States owned property; this would severely restrict the possibility of these sites being used for social or affordable housing. There were those at the EIP who criticised this policy, and detected an inconsistency between the States' approach to its own land and that taken towards land owned by others which was allocated for Category A housing. It is indeed difficult to draw any other conclusion; but since we do not advocate reliance on these sites, and their availability is in question in any event, that is a matter we feel we can leave to others to debate.
- 8.41 The next question is whether there are other sites which were put to us during the EIP which might be as suitable as, or more suitable than, the three proposed omissions. We do, in Volume 2, identify a small number of sites which may have potential. As we have said, these sites have not been the subject of public consultation. And they tend to fall in the same Parishes as at least two of the omitted sites (because they comply with the spatial strategy) and are therefore likely to be subject to similar objections. The details of these sites are set out in Volume 2 but the ones with the most potential, should the need arise, are as follows (using our numbering system from Volume 2). They are broadly in order of suitability, as we assess the situation, and the last two are somewhat less suitable in our opinion than the first four, for the reasons set out in Volume 2.
- C5 Fields 252 and 253 St Clement (Le Quesne Nurseries)
  - S3a Field 530, Princes Tower Road, St Saviour.
  - S5 (part only) Fields 741/742, New York Lane, St Saviour
  - S2 Fields 341/342, Clos de la Pommeraie, Rue de Deloraine, St Saviour
  - H6 Field 1368, St Helier
  - MN7 Le Mourin Vineries
- 8.42 As we said above, we are reluctant to propose that these sites should be put forward for immediate inclusion in the IP because this would mean delay while consultation and investigation was carried out. But in the event that monitoring

over the IP period as a whole suggests that further sites might be required, these are the directions in which the Minister should look.

- 8.43 However, the remaining question is whether the three sites themselves still offer the best opportunity, and whether we should recommend that they are retained in the IP. We realise that this would be contentious, and would require conviction on our part that it was the right thing to do, taking a holistic approach. We have already indicated in Chapter 2 that we understand the concerns of Constables, particularly in Parishes close to St Helier. We have taken into account their views about the "share" of development they have absorbed – but concluded that is a matter of geography and of strategy and not an unfair imposition. We have noted the problems of traffic (which of course are caused as much by people travelling from outwith the Parishes as from development within them). But we still believe the three sites are worthy of consideration – especially as they had been carefully selected by the Minister's own professional advisors (see paras 6.76/77, which indicate that considerable work had gone into the selection process).
- 8.44 We therefore visited the sites with an open mind, and looked at them carefully. Did they comply with the strategy and were there any factors which militated against their development, given the demands? Were they as good as/better than other sites which we saw.

*Samares Nursery (site C6 in our classification)*

- 8.45 This site scored "Good" (spatial strategy), "High" (suitability), "Good" (landscape sensitivity), and "Good" (Use) under the four criteria set out in the Minister's "Suitability for Housing Assessment" (Doc BT18). These, in the context of all the sites in that document, are very favourable scores. We discussed the site at some length during the EIP, having received a number of forceful objections to its development from States Members representing the area and from local residents. We are aware of a petition against the development too. Constable Norman and Deputy Gorst spoke against the site at the EIP. Among the matters to which they referred were the likely future need for glasshouses; the amount of development which had taken place in the area already; transport issues; ground conditions; and potential social problems.
- 8.46 Mr Stein submitted a lengthy representation, and spoke at the EIP (as did Mr Vibert, the site owner) in favour of the development. Mr Stein inter alia stressed the compatibility of the site with the spatial strategy; the support from TTS; and the ability to accommodate the Eastern Good Companions Club on the site. He felt that any drainage problems could be overcome. Mr Vibert felt that the glasshouses were no longer viable.
- 8.47 In a written submission Mr Martin made some useful points in favour of the sites. "It is vital that islanders and politicians are encouraged to view the IP as a whole and to recognise that there is an overriding need to ensure that affordable housing is available.....suggesting that some Parishes have "suffered too much" ..... misses the point.....the work of the authors in describing the appropriateness of each of the sites is very likely to be ignored.....this site appears particularly suitable.....".
- 8.48 Senator Le Main had also sent us a forceful written response, and he gave an equally forceful expression of his views in favour of the site at the EIP. He



referred to the shortages of affordable housing, and thought that the proposed omission of this site – which was entirely suitable for development – was “ludicrous”. The land was very much needed. He commented on the agreement the Minister had made with the Constables – but as we have said we look at this site and the others simply on their merits.

- 8.49 We conclude, with conviction, that those merits are considerable. The site is well located in relation to the BUA; it has good services (buses, schools etc); little damaging impact on the countryside, and is previously developed land which is falling into dereliction. All these factors taken together – especially its compatibility with the spatial strategy of the IP – suggest to us that this is a good site. We disagree with the Minister’s proposed modification.

*Longueville Nurseries (site S10 in our classification)*

- 8.50 The issues in relation to this site are similar. It also scored “Good”, “High”, “Good”, and “Good” in the Suitability for Housing Assessment. Constable Hanning and Deputy Vallois (among others) had written to us objecting to this development, and the Constable took part in the EIP debate. He argued that the Parish had met its share of development; that this was another example of “creep” – pieces of land being gradually infilled; that there were traffic problems, especially at the nearby junction; and that there was a lot of opposition to the development. Mr Stein and the site owner, Mr Hamon, spoke in favour of the site. It was previously developed land, close to St Helier and ideally located in relation to bus services and community facilities. It had support from TTS. Traffic from housing development would be less than that from the garden centre. If it was not used for housing it might be developed for an alternative retail use (the Minister confirmed that this was lawfully possible). Mr Ransom, the leaseholder, accepted it was a good site for housing, but was concerned about the difficulty of finding an alternative site for his business.
- 8.51 Senator Le Main repeated his concerns about the shortage of sites for affordable housing and felt that this was one of the best brownfield sites available.
- 8.52 Having read all the representations in full and considered the debate at the EIP we conclude that this is a suitable site for housing. It is well located in relation to the IP strategy, with good services and facilities nearby. Though the traffic generation may be less than the garden centre, it will occur at peak times; however there are proposals to improve the junction and we do not see this as an insuperable problem. We disagree with the Minister’s proposed modification.
- 8.53 There are two other points to make. Mr Stein argued that the whole of the site should be allocated for development – not just the southern part. The Minister argued that the more substantial buildings were on the southern part and that as the land was rising development to the rear would be more obtrusive. We returned to the site to consider these points. We agree on balance with the Minister and recommend that, as proposed, development should be limited to the southern part of the site.
- 8.54 Secondly, there was a proposal before us to develop land immediately to the west of the Longueville Nurseries site (number S5 in our classification), and it makes sense to deal with this now. The issues affecting the site – location, traffic, services etc – are virtually identical, except that the land – though not in use for any particular purpose, is not previously developed. It scored “Good”,

"High", "Good" and (because it is not brownfield land) "Poor" in the suitability assessment. The area which was put to us was large, and extended well to the north. We do not accept that the development of the whole of the site would be appropriate; it would be prominent and intrusive. But in principle we see no reason why the southern section of the site (as far north as a line extending westwards from the proposed development on the Longueville Nurseries site itself) should not be acceptable. This line is marked on the ground by a hedgerow. This has not been the subject of consultation; and a traffic assessment needs to be carried out to assess its effects. We do not recommend its immediate inclusion in the IP therefore. But, in the manner foreshadowed at para 8.41 above we recommend that the southern part of site S5 be borne in mind as a possible site for further development should future monitoring indicate an emerging unmet need for additional Category A housing depending on requirements at the time.

*Cooke's Rose Farm (site L3 in our classification)*

- 8.55 The third site which the Minister proposes to omit is Cooke's Rose Farm (glasshouse site, Field 114, Le Passage, Carrefour Selous). In the Suitability for Housing Assessment this site scored "Low", "Good", "Low", and "Good". This shows an immediate difference as against the previous two sites, which had no "low" scores.
- 8.56 Once again we received a number of written representations opposing the development of the site. Constable Mezbourian referred to local opposition and raised the question of limited pedestrian access, the narrow access road, traffic impact, infrequent bus services, poor access to services and facilities including schools and a number of other matters. The nearest Primary School was more than a mile away and the nearest State Secondary School was 2.5 miles. Her view was that the site should remain in agricultural use. Local residents made similar points.
- 8.57 At the EIP Mr Farman on behalf of the owners disagreed with these points, and made a strong case in support of the site. It was logically within the BUA, on the edge of a settlement, and had good links with services. He felt that the relatively small development would not generate a great deal of traffic (probably less than when it was a commercial nursery) and that access to the site could be improved to the general benefit of local people. It would have little landscape impact and was entirely the sort of site which Jersey needed to use to tackle its housing problems. Mr Cooke felt this was a good opportunity to provide housing for the parishioners of St Lawrence; it was a site surrounded by other development, and the access problems could be solved. A footway could be created, at least along the development frontage. Mrs Kerley spoke against the scheme, making many of the points that the Constable had made and arguing that the development would not be compliant with sustainability policies in the IP. The Minister told us that TTS had opposed the site in principle because of its distance from amenities.
- 8.58 We, again, looked carefully at this site. We are aware that there is a current application affecting the site, but we do not take that into account – simply considering its suitability in IP terms. Carrefour Selous is a fairly small settlement with only limited local services. The problems of access to the site were apparent to us, and we saw the narrow streets and pavements and the effects of the one-way system. These may be soluble (this would be a matter

for the development control stage), but cannot be ignored. From our point of view, however, the key factors are the distance of the site from the main BUA in St Helier and the surrounding area; and the relative lack of services locally. The "Low" score is indicative of its lesser compatibility with the overall strategy – it is clearly very different from Samares and Longueville in this respect. We recognise that it is previously developed land but have consistently taken the view that this in itself should not override the IP's strategic aims. We conclude therefore that this is not a site which should be pursued as an H1 site in the IP because it is poorly located in relation to the strategic policies in the IP and because it has relatively poor access to services. The loss of the 13 houses on this site, in terms of policy H1, could we believe be compensated by the increases in density proposed on two of the sites in the Housing Update Note (see para 8.38)

8.59 However, Mr Farman made a point, which was repeated by others during the EiP, about the apparent reluctance of the Parish of St Lawrence (in contrast to some of the other rural Parishes) to allocate sites for local need housing. We deal later with, and support, the principle of providing local need housing. But the evidence which was put to us does suggest that St Lawrence may be less proactive than might be expected. We hope that they, like others, will take advantage of the opportunity afforded by Policy H5 in order to provide affordable housing for local people. Cooke's Rose Farm may be one of the sites (no doubt there will be others) which might be considered for this purpose.

8.60 Our conclusions on the H1 sites are very clear. We respect the views of the Constables. But in the cases of Samares and Longueville we believe they should not be excluded from the IP. Taking a holistic view of the overall strategy of the IP; the need for affordable housing; and the alternatives which are available, we very firmly believe that those two sites were correctly included and must be retained if the housing aims of the Plan are to be achieved. Given this recommendation it is not necessary to bring forward any of the other sites we have identified in Volume 2 at the present time; as we have said, those are for consideration – should the need arise – during the IP period.

*Housing supply – summary*

8.61 We conclude as follows on housing supply. Firstly we have considered all the components of supply set out in Table 6.2 of the IP. We consider that in two cases – the amount of development on the waterfront and within St Helier - the figures for the first period of the IP are optimistic. We do not believe that the number proposed will be attained. The evidence does not exist to quantify this exactly. However there is an "over-provision" in the table for that period and we think that will be sufficient to cover the shortfall, especially as the numerical loss from housing refurbishment may not occur until later. We have put forward some possible sites which – subject to consultation and further investigation – might be brought forward should the monitoring process suggest an emerging shortfall.

8.62 On the sites in Policy H1 we **recommend** that the Samares Nursery site and the Longueville Nurseries site should be retained in the IP as originally proposed. We have also indicated support for the possible future development of part of the land to the west of the Longueville site, subject to further investigation, should the need arise. We further **recommend** that the Cooke's Rose site should be omitted from the IP as the Minister intends in his proposed



modifications. We have suggested that the latter site might be one possible candidate for local needs housing under Policy H5.

*Policy H1 – other points*

8.63 In the joint Housing and Planning Statement (Doc No EPD/10), which we requested in advance of the EiP and which has proved very useful in all our deliberations, the Minister recommended (on page 4) "...that Policy H1 be reviewed to potentially include a greater number of social rented accommodation in line with agreed evidence of demand". This had been raised in representations, for example by Senator Le Main, and it was discussed further during the EiP session on affordable housing. We agree with this proposal, and recommend that the penultimate paragraph of the policy be revised to include a more flexible distribution as between Jersey Homebuy, Social Rented and first time buyer housing – the proportions to be determined by the Minister in accordance with SPG. We note the Housing Minister's view that the IP is "woolly" when it comes to the breakdown between the need for various types of affordable housing – social rented, Homebuy, etc. While we accept that, we take the view that it would be a mistake to be too prescriptive about this. The situation will change during the life of the IP and a degree of flexibility seems appropriate. We recommend that SPG is produced, to be published at the time the IP is adopted, to indicate the criteria by which this provision is to be judged.

8.64 Policy H1 includes in its last paragraph a reference to the use of compulsory purchase powers, if necessary, to ensure that the sites come forward in a timely fashion. These powers exist but we understand that the States have been reluctant to make use of them. There was some debate about this at the EiP, and the use of these powers was opposed by the RJAHS. Nonetheless, in view of concerns about the length of time which had been taken for some previous sites to come forward, we think it is sensible to have these powers available and to be prepared to use them if (in exceptional circumstances) it should prove necessary. We support the proposal and suggest no change to this paragraph.

*Policy H2 Other Category A Housing Sites*

8.65 Policy H2 simply rolls forward existing unimplemented sites allocated for Category A housing. These sites contribute to the 'supply' consideration and beyond that we have no substantive comments to make about this policy.

**Affordable Housing**

8.66 As we have indicated, the question of affordable housing, and particularly Policy H3, was very controversial.

8.67 There is a lot of information on this subject. We draw attention, in no special order, in particular to the Kelvin MacDonald report (Doc BT4), the Christine Whitehead report (Doc OS11), the interim review of land availability (op cit), the Draft Housing Policies Update Note (op cit), and the 2007 Housing Needs Survey (op cit). Paragraphs 6.90-6.116 of the IP deal with the matter.

8.68 We draw attention also at the outset to the Minister's proposal to modify the IP to reduce the proportion of affordable housing to be provided to 12.5%, on sites with a capacity of more than eight houses (as compared with 40% on sites with more than six houses in the published draft IP). The 12.5% was to increase

over a period to 20%. This proposed modification appears in full in the Minister's Response to Consultation (27 May, Doc PC3). It arose in response to a very heavy weight of opposition to the original IP proposal from the development industry – see for example representations from the Style Group, AJA, WEB, the Chamber of Commerce (who suggested a proportion of 10% instead of (then) 40%), C le Masurier, Jersey Construction Council, Dandara (who referred to a level of between 5% and 10%), GR Langlois, IoD, CBRE, and Mr Stein/Pioneer. Deputy Le Fondré found it cumbersome. When the revised policy was advertised in the second round of consultation, the Chamber, Style Group, JCC and Pioneer were among those who sent further comments. There were other representations in support of the Minister's approach.

8.69 We approach this complex topic as follows:

- First we consider in general terms the nature and scale of the problem of affordable housing in Jersey
- Second we look at attempts to quantify this need, which are admitted to be imperfect; we consider the implications of this.
- Third we consider in the light of this what options there may be to attempt to deal with this problem.
- Fourth we consider whether Policy H3 is in principle necessary and justifiable, and whether it is workable. This includes consideration of the proposed viability assessment process.
- Fifth we look at whether, if it is workable, the thresholds and proportions now proposed by the Minister in his modified policy are appropriate, and whether its introduction should be phased.
- And finally, we make recommendations.

*The nature of the problem*

8.70 It is quite clear to us that there is a major problem of affordable housing in Jersey. There can be no question about this. In coming to this conclusion we rely on a number of sources, and we summarise the position very briefly as follows:

8.71 According to the Interim Review of Residential Land (Doc BT17 p39), in mid 2009 the price of housing in Jersey was about 2½ times the UK average (and just over 1½ times the Greater London average). The average price of a 3-bedroom house recorded in Jersey in mid-2009 (£516,000) was the equivalent of 16.5 times average annual earnings for full-time workers (i.e. £31,000 @ June 2008). This represents a significant change from the situation in June 2006, when the average price of a 3-bedroom house was £364,000 and the equivalent of 13 times average annual earnings of approximately £28,000. The equivalent figures for a 1-bedroom flat in mid-2009 (£225,000) and mid 2006 (£176,000) would represent 7.2 times and 6.3 times average annual earnings.

8.72 Multiples of five times income have been the maximum generally available from mortgage lenders in Jersey with higher multiples generally regarded as too much of a risk and burden. In addition to this, mortgage lenders have typically required deposits of 15-20%. The MacDonald report provides evidence to suggest that no properties are affordable in Jersey at standard income: debt

ratios (i.e. 1:5) for those on average incomes without substantial available capital. It also suggests that if 50% is taken as the maximum proportion of net income that should go on housing, then average income households cannot afford the price of a one-bed flat or any other housing type (see pp 40/41).

- 8.73 The Whitehead report also tackles the question of worsening affordability. It provides evidence of the position for households in different income ranges at the end of 2008 which suggests, inter alia, that only those in the two upper income quartiles (above £40,000 per annum) could hope to buy a house as a family home. (see pp 14/15).
- 8.74 We were very impressed by the evidence, written and oral, from Mr Ed Le Quesne, who was clearly very knowledgeable about the housing problems, specifically, of people in Jersey, and is directly involved in provision through Housing Trusts. He felt that the IP was "feeble", and gave us some further insights into the extent of the problem. He referred to some of the social effects of unaffordability. While he raised some issues which fall outside the scope of the IP – such as rent levels and security of tenure – his evidence about people who were struggling in the face of current house prices cannot be ignored.
- 8.75 Mr Stein, though he opposed Policy H3, nonetheless was conscious of the problem; in his evidence on Samares Nursery, for example, he referred to the Whitehead report and the "startling backdrop of local house prices". Individuals such as Ms Firkins wrote important representations about their difficulty in finding adequate housing. The then Minister, Senator Le Main, wrote in March "It has never been clearer that that the affordability of homes both in the owner occupied and rental markets is one of the most significant issues facing the Island".
- 8.76 In the IP itself (para 6.90) the situation is described as "one of crisis". Mr Mavity told us of recent increases (28-30% over 18 months) in the waiting list (not a good indicator of overall need, as we discuss later, but the trend does seem significant). Several States Members and others in their written evidence and at the EiP expressed their concern. We have no doubt at all that the problem of affordability in Jersey is serious and that it is getting worse.

#### *Key workers*

- 8.77 We were told of an emerging problem in relation to the housing of key workers. It was mentioned for example by Senator Le Main in his March letter: "...as an Island we have a significant reliance on Key Workers migrating to the Island. In our Health service...issues of accommodation and relative affordability are having a significant impact....". The Interim Review of Residential Land Availability (op cit) deals with this on pages 41/42 in a little detail. It concludes that "information on the key worker accommodation issue is limited at present and further work is needed.....the States will also need to consider how it wishes to address the matter.....". We do not feel we can take it further but we note that this is an emerging issue which reinforces the need to tackle the affordable housing problem seriously, and which could in due course prove to be an additional source of need.

#### *Quantifying the need*

- 8.78 It has however proved difficult to quantify the need for affordable housing with any precision. The Minister accepted that this was the case; the IP itself (in para

- 6.91) said "information on the numbers of households who are in need of affordable housing is not clear".
- 8.79 Without going into very great detail on this, we note various approaches which have been taken. The 2007 Housing Needs Survey identified a "latent demand" among the present population for 1000 units, but this may not be equated directly with need. In the MacDonald report it was suggested as a working hypothesis that a mid-point between the numbers on the first time buyers list and the latent demand in the 2007 survey could be used – putting the total at 900 – but MacDonald said that further work was needed. (p 43).
- 8.80 The waiting list is not a reliable indicator of need because entry requirements are very tight (see eg Whitehead pp15/16). Her suggestion that, at that time, the majority of households who are eligible to apply for social housing do so, and are actually accommodated was misinterpreted by one participant as suggesting that there was not a problem; as Whitehead and others said, if the entry rules were relaxed the number of applications would greatly increase.
- 8.81 Mr Mavity explained at the EIP that the waiting list had been growing and he gave figures for the increasing lengths of time people had to wait either for accommodation or for a transfer. These seemed low to one participant, in relation to the situation in London for example (where waiting lists of six years were possible); but this did not seem to us an adequate reason for taking a relaxed view in Jersey. The Minister explained that the figures given by Mr Mavity were recent and had not been taken into account.
- 8.82 There are proposals to link together the States Waiting List with those of other providers and to create a "Housing Gateway" which will provide a comprehensive picture of need. The Minister was anxious that this should happen as soon as possible so that the position could be monitored and policy further developed during the IP period. Clearly, we agree.
- 8.83 The Housing Department submitted an alternative calculation, as an annex to the joint housing and planning statement. This took the Housing Waiting List figure at June 2010 and added half of the number of people who were renting in the private sector and claiming the housing component of income support. This gave a "best estimate" of 1300. (see Doc EDP/10 for details). The Minister (P&E) felt this may be an over-estimate (see the joint statement) for double-counting and other reasons.
- 8.84 There was much debate about this imprecision of the assessment of the need for affordable housing, both in written evidence and at the EIP. Pioneer made a number of particularly strong points about this, orally and in writing, and we have considered them carefully. They argued that it would be premature to continue with the IP in such a state of uncertainty. Much more work needed to be done to justify Policy H3 in particular. They deal with the issue in several places in the various papers which they submitted – eg in section 3.6 of their 17 March submission and in their 31 August 2010 submission, which contained an alternative assessment. Without going into detail, they concluded that the need was modest and could be met via the existing H1 policy for 6-9 years.
- 8.85 We have considered these various assessments, and read in full all the evidence which was submitted, and the MacDonald and Whitehead reports and other background documents. We return to our earlier conclusion that the problem is

serious and getting worse. The question for us is whether the inadequacies and inconsistencies in the figures are such that we should conclude that the IP is premature and that more work should be carried out. Or whether we should continue, and consider whether Policy H3 or an alternative would be workable or acceptable as a further mechanism to tackle the problem over the medium term (alongside H1). We also recall a comment from Senator Le Main: "I live in the real world and real people need real houses". This would be a powerful reason to resist delay.

- 8.86 We do not think it is premature. We do recognise that the adoption of a Policy such as H3 is a serious step, which needs to be backed up with statistical force. But we think the overall conclusions of the two independent reports are compelling. We think the recent increases in the waiting list are indicative of increasing pressure. We think the gaps between house prices and incomes are stark and that they suggest that there is a serious problem for individuals and households which (as was suggested to us at the EIP) could lead to younger people being forced to leave the Island. The Minister is of course under an obligation to attack this problem, based on the States Strategic Plan. But even if he were not, we think he would be right to continue to pursue alternative means of increasing the supply.
- 8.87 We do not conclude that the lack of a single clear figure is fatal. We do of course propose (as did MacDonald and Whitehead) that further work is carried out to develop a clearer picture; when we discussed monitoring earlier, we mentioned its importance in relation to affordable housing and it is likely that the picture will change – just as likely for the worse rather than the better. For the moment, though, we believe that time (and it may be considerable time) spent poring over the statistics to arrive at a more satisfactorily precise figure before moving forward would involve a delay which would be unacceptable, given that we are dealing with real people in real need. We are content that there is a need for something in the order of 1000 affordable homes to be provided either through Category A sites or through another mechanism or both, during the IP period; and we also think it right to have an eye to what might happen beyond that period.
- 8.88 We therefore go on to consider the proposed Policy H3 and other alternatives.

### **Policy H3**

- 8.89 We deal with this as follows. Firstly we consider whether the whole of the need can be met by extending Policy H1 or whether other mechanisms are needed. Secondly we consider other propositions which were put to us, such as a tax. Thirdly we consider H3 itself, including the viability assessment which was proposed in a draft SPG. Finally we reach a conclusion and a set of recommendations.

#### *Extending H1*

- 8.90 It would at least in theory be possible to continue to allocate additional pieces of land under Policy H1, and its successors in future reviews of the IP, and this route was favoured by some respondents and participants (such as Pioneer). There seem to us to be two problems attendant upon this. The first is the obvious difficulty of identifying sites which are acceptable. This has proved all but impossible in the current IP, and is certain to become even more



challenging as time goes by, assuming (as seems probable) that opposition to greenfield development remains and as the most suitable and well-located brownfield sites are developed. The second is that it is a "one-club" solution. As MacDonald suggested in his report there is a range of possible solutions to dealing with affordable housing. It makes sense, in the medium term, to develop more than one option. The States have clearly agreed this (see our para 8.2). So at least, therefore, we go on to look at other possibilities.

#### *Other approaches*

- 8.91 A number of participants suggested various ways of raising funding to deliver affordable housing. WEB (p3 of their March 29 Submission) and CBRE (point 4 of their 7 December representation) both proposed a form of tax. Pioneer (Para 1.12b of their 29 July statement) suggested a variant, allowing land owners to "benefit from not less than 80% of any uplift in unfettered land value". Support for a tax-based approach was essentially based on its simplicity, predictability and perceived fairness. MacDonald dealt with it at 4.4.19 in his report. It was discussed at the EIP, but there was not a great deal of support for it there, and the Minister felt that it would not deliver sufficient housing. In the context of the UK (a context which we use sparingly because we appreciate the differences with Jersey, but we think it is relevant here) the introduction of a tax has been fraught with difficulty, with several attempts over the decades having failed to deliver. We do not think this should be ruled out in the longer term, and the States should consider it; but it is very much a political issue – as well as a practical one – and we think far too uncertain for reliance to be placed on it at present.
- 8.92 The AJA put forward a different approach at para 0.9 of their statement, suggesting (in summary) a "consolidation zone" widely drawn around the BUA within which the States could negotiate with landowners, at land values above agricultural but below residential. We appreciate the thinking behind this but agree with the Minister that in planning terms it is better to identify and designate the *best* sites, taking into account the various criteria in the IP, rather than leave the location of development to later negotiation.
- 8.93 In summary, we were not convinced that any of the mechanisms put forward by the parties were likely, in the short term, to deliver the necessary affordable housing. We note that there were a number of other routes discussed in the MacDonald report. We think that the Minister should actively continue to consider these alternatives. But we return to the mechanism proposed in H3.

#### *Policy H3*

- 8.94 We deal with this first in principle, then in more detail, taking the Minister's proposed amendment as the basis for our report – there was no real argument that we should return to the 40% figure, although Deputy Wimberley was one who regretted the reduction.
- 8.95 It was argued, in principle, that landowners should not be required to forfeit part of the value of their land. Pioneer particularly took this view and argued it strongly. Our assessment, however, is that this black and white position was not generally supported – after all other participants had favoured a tax, or the AJA proposal, or others which in effect meant a reduction in the site value of development land. Deputy Wimberley in his evidence said: "...the reluctance to

tackle this issue in an effective way is appalling. A way has to be found to deal with the monopoly position of landowners which serves the needs of the community at large". And though this is very much a political issue, we are obviously aware that in other jurisdictions it has been accepted that the fortuitous, and often exceptionally large, windfall which certain landowners receive is created by the community and therefore should, quite fairly, at least in part go back to the community. It is not for Inspectors to reach political judgements of this kind, but fortunately from our point of view the States have already done so, via the proposition to which we referred in para 8.2 – "To request the Minister for planning & Environment to bring forward a policy that requires planning applications of over a certain size to provide a percentage of their build for social need whether that be social rented, first time buyer, retirement, sheltered housing or a mix, whichever is most appropriate for the site".

- 8.96 As we have mentioned the revised proposal is that for sites above eight units, 12.5% of affordable housing would be required on site. For sites with 2-8 units, a contribution of 12.5% of development yield would be required to meet the Island's needs for affordable housing. 12.5% would rise to 20% by year 5 (for both above 8 and 2-8 units). This did not appear on the face of the policy and there were comments, with which we agree, that if the policy remained it should do so. (There were also comments on the mechanics of how this should be managed but we think that is a matter outside the IP and do not pursue it – though we do stress the point that any contributions should be directed to affordable housing and not, as Style Group put it, "...disappear into States funds...."). We **recommend** that the intention to increase the proportions should appear on the face of Policy H3.
- 8.97 Perhaps the key objection to the policy, leaving aside this question of principle, was the suggestion that, in general, it would discourage landowners from bringing land forward at all. A picture was painted of landowners which was not altogether complimentary. It was suggested that if unable to realise the full value of their land they would simply hold on to it, presumably indefinitely. This may, of course, be true and we return to it later. This point was made in many places, but for example Pioneer said (in their response to the Update Note) "...housing supply will inevitably reduce as a result of reduced returns (ie incentives) to land owners and developers, with land being developed for less risky alternatives or being retained in its existing use". In their 29 July note they said "unless landowners are able to obtain what they consider to be a reasonable share in any uplift in land value sites are unlikely to come forward". Mr Stein said (30 March submission) "landowners will be considerably less willing to release land. The thresholds need to be reduced". (At that time the 40% etc figures were still envisaged).
- 8.98 In particular it was suggested that it would prevent the development of small sites, or windfall sites, or brownfield sites, or sites within St Helier and other parts of the BUA (which tend to have those characteristics). For example the AJA said "this policy is hostile to the development of St Helier, where it is more expensive to redevelop sites"; "WEB is concerned that as a result of [H3] limited development on brownfield sites will take place"; "...any requirement for affordable housing on sites below 5 units will significantly affect the viability of the site" (JCC); "providing significant levels of affordable housing on brownfield



sites will be difficult given the inherent value of the land" (Housing Dept, in joint statement).

- 8.99 This is a matter which was considered by MacDonald (eg in 4.6.17 he proposed that windfall sites should not be exempt, and demonstrated ways in which they could be included). Nonetheless we accept the view that there is greater difficulty in bringing forward certain sites – especially smaller brownfield sites within the BUA – than others.
- 8.100 Mr Waddington in Appendix 8 of his written evidence recognised this point, and put forward a sliding scale, with different percentages of affordable homes, ranging from 0% to 20%, depending on whether sites were urban or rural and on their size. He argued that the proportions should be smaller in urban areas in order to encourage development in the BUA. We thought this was a useful contribution.
- 8.101 Behind many of these comments, suggestions and objections is a concern about viability. The Minister acknowledges this – and in the IP the matter was considered in paras 6.96-6.104. It was also considered by MacDonald in paras 4.6.18-22. It is common ground that the policy must be operated in such a way as to avoid rendering development unviable, and the IP in 6.97 proposed to introduce a viability assessment model. In August the Minister produced a draft of "Affordable Housing Supplementary Planning Guidance" (Doc SD9). The merits of this are not specifically before us, and will be the subject of continuing consultation and redrafting in consultation with the development industry. Some comments were made about the detail which the Minister should take into account in that consultation process. However, it is clearly relevant and we did invite written comments on it before the EiP.
- 8.102 Every application would have to be accompanied by an assessment, in accordance with the pro forma set out in the Appendix to the draft SPG. If successful, of course, the smooth running of this process would remove the basic objection to the policy; if it were demonstrated that the need for affordable housing set out in the policy rendered the site unviable then the appropriate contribution would be reduced accordingly, as set out in the SPG. However, at this stage the smooth running of the policy must be subject, to say the least, to a degree of uncertainty. And it was argued at the EiP that for smaller sites this would be a considerable burden – at least initially – both for the Minister and the applicant. According to the table in the Housing Update note there are around 43 applications per year with 2 or more units (taking the average over the last five years), and all of these would be subject to the analysis.
- 8.103 The Minister accepts (in his response to Pioneer dated 15 September) that the intention to apply a standard viability assessment to every application is not mentioned on the face of Policy H3 and that it should be. We agree and so **recommend**.
- 8.104 Before coming to a conclusion we deal very briefly with some of the other arguments that were put. A great deal was said about the situation in the UK, and we have considered this. We do have some knowledge of the subject. We think the comparison is a limited one; we are dealing with the Jersey situation here and it is quite obvious that in many ways it is different. Nonetheless, though we of course accept that the delivery of affordable housing is more

difficult in recessionary times, we do not accept that the approach to affordable housing in the UK is "broken"; nor that it is a substantial cause of the current downturn in the UK housing market. We are looking here at the whole of the IP period and beyond; not just a current market conditions.

8.105 We do not accept the argument which some put, and which is also familiar to us, that locating affordable housing on the same site as market housing is damaging, and could reduce house prices. (Eg the AJA said that "...in all other parts of the world it is an accepted economic fact that affordable housing is located in less exclusive locations"). It is an argument which it is hard to make without seeming antipathetic to those who find themselves in need of affordable housing. We do not believe the AJA's view to be true; such mixing is strongly advocated by many for social reasons.

*Our conclusions on H3*

8.106 We have of course discussed and considered this issue carefully, in view of the degree of contention which exists. We were exhorted to "strike it out" by some; or to modify it by others. We start by taking the view first that the problem is a serious one and second that policy H1 should not be the only approach to deal with it. We note the States existing decision in favour of the principle, and we understand and accept the view that a share of the potentially very large benefit which could accrue to landowners should be used for community benefit.

8.107 We therefore accept that Policy H3 in some form should remain in the IP, though we consider that the Minister and his colleagues should continue to look at other mechanisms as proposed by MacDonald, not excluding (in due course) a tax.

8.108 But H3 needs to be made workable. We have mentioned various suggestions here – from Mr Waddington, from the Chamber and Dandara. Pioneer said that any retained policy should be flexible and able to respond to market conditions – and "founded on the fundamental principle that landowners/developers retain the overwhelming majority of the land value uplift".

8.109 Obviously the reductions in thresholds proposed by the Minister go some way towards making it more acceptable. We think that possibly the most important issue in relation to the policy is that it should be, and should be seen to be, **permanent**. This is essential to discourage landowners from holding on to land – as we were told they might – in the hope of a better deal at some time in the future. We also think that it is sensible – as the Minister already proposes – that the policy should be **phased** incrementally, with increases in prospect so as to provide an incentive to bring forward sites sooner rather than later. Thirdly, we think it sensible to introduce the policy at a relatively modest level, so as to iron out any problems – but to scale it up reasonably quickly. It is important that it works from the start, and necessary to test the working of the viability model.

8.110 We **recommend** that there should be no change to the proportion of 12.5%; with the increase over 5 years to 20%, as now proposed by the Minister. This seems a relatively modest figure, and since it is subject to a viability assessment we see no need to reduce it across the board. Beyond the five year period, consideration should be given to increasing the figure beyond 20%. We have considered the "Waddington" alternative with different urban/rural figures,

but decided that the viability assessment should be the key to identifying any variability between sites.

- 8.111 We **recommend** however that the thresholds should be relaxed in the early stages. This is primarily to ensure the practicality of introducing the viability test, with a fairly modest number of schemes subject to the policy in the first two years – but rising thereafter. We **recommend** that initially schemes of 11 units or more should be subject to the provision of affordable housing on site (this would be 5 or 6 schemes per year based on the average of the last five years); and that schemes of 6-10 units should be subject to the commuted sums as proposed by the Minister (this would be a further six schemes per year on average). We further **recommend** that, subject to monitoring the success of the scheme, these figures should be reduced to ten or more and four or more after no more than two years, and to nine or more and two or more (as currently proposed) after no more than five years.
- 8.112 There is an important question regarding the way in which sites are developed, which the Minister recognises in the draft SPG: "Developers whose schemes are just below the threshold level will have to satisfy the Minister that the proposals do not represent an under occupation of the site, nor that a large site is being brought forward in phases in order to avoid the thresholds at each stage". In our experience this is an important point, and should be stated on the face of the Policy. We so **recommend**.
- 8.113 We also recognise the difficulties for applicants (and the States) in relation to very small sites in dealing with small viability appraisals. We have proposed that the threshold comes down over time so there will be a body of experience. But we also suggest – though it is a matter for the SPG and not the IP – that there might be a standard figure that an applicant for smaller schemes could, as an option, accept in lieu of a full appraisal.
- 8.114 In summary, we have recommended that the policy should remain in the IP; that it should be introduced more gradually than proposed (so as to assess and refine the viability test and other practical aspects of implementation) but that it should clearly be a permanent policy and that the requirements should be scaled up over a relatively short time. We have recommended that the intention to increase the proportions should be on the face of the Policy and also that the intention to apply a viability assessment should be set out in the Policy itself. We have also recommended that the need to deal with sites just below the threshold or sites which appear to be phased to avoid the threshold should be set out in the Policy. The Policy will thereby set out the framework, and the draft SPG already sets out much of the detail of implementation.
- 8.115 We note that the policy will in any event not be introduced immediately. The Minister intends that it will make a contribution to needs in the second part of the IP period and beyond. Its effects would be gradual rather than immediate (Housing Update Note). We do accept that where a site has already been purchased by a developer at a value which did not reflect H3, there will be a viability issue (a point made by the Style Group and others). We **recommend** that the policy is not introduced until the start of 2012 (assuming the IP has been adopted by that time), by which time the Minister's intentions will have been clear for a period of some two years; and that the viability assessment is used to deal with any historic problems of land value for sites acquired earlier.

**Housing Mix – Policy H4**

- 8.116 Policy H4 in the IP deals with housing mix, and the preceding five paragraphs give the background. Relatively few written comments were received, and there was a short debate at the EIP. We make one general point, and then one specific point about the policy itself.
- 8.117 In general, a very great deal of information was supplied to the EIP about the need and demand for units of various sizes. The 2007 survey and the Interim Review of Residential Land Availability are particularly relevant. What all this information tended to show was a relatively larger demand for family housing, and a lesser unmet demand for smaller flats.
- 8.118 It was pointed out that reliance on the development of smaller sites in St Helier or on windfall sites might militate against the development of family housing, and this was discussed at the EIP. It seems to us to be true, and it is one of the reasons why we recommended the Samares site, and were doubtful about the increase in density on some of the other H1 sites (see eg para 8.38). There is of course a limit to which strategic policies in the IP can deal with this issue, which will change throughout the lifetime of the IP, and which will depend on a site by site analysis of potential. We therefore note the issue, and turn to Policy H4, which gives the Minister the ability to refuse planning permission if a scheme fails to meet the housing mix he considers to be necessary given the latest assessment of need at the time.
- 8.119 This was heavily criticised by Pioneer in their written evidence and at the EIP; and also by Mr Riva at the EIP. It was felt to be too prescriptive and not founded on an adequate evidence base. It was not appropriate to set requirements for market housing; the developer would respond to the market and deliver the appropriate type of housing (Pioneer statement March 2010 para 3.7.2). The policy should be struck from the IP.
- 8.120 At the EIP the Minister accepted that the policy was "draconian", and that it would not be right to give him the powers suggested in the IP. However he did feel that there was a need to become involved in housing mix issues in planning applications for market housing and suggested that SPG should be produced to enable him to do this. We have no doubt that consideration of the mix of housing proposed in a planning application, and how this would contribute to housing needs, is a valid material consideration for the Minister (or any other planning authority) to weigh along with other aspects of a scheme. However, it must also be right that this consideration should not be open ended and unpredictable to an applicant. The main parameters and criteria need to be set out in SPG, itself subject to prior consultation, so that a balance is struck between the Minister's ability to act in what he judges to be the public interest and a developer's legitimate expectation to respond to what he judges to be the market choices by potential purchasers.
- 8.121 We **recommend** that SPG is produced on housing mix, with some priority. As in several other instances, the guidance needs to be in place no later than adoption of the Plan. We further **recommend** that the first sentence in Policy H4 be extended so that it concludes "... published evidence of need as set out in SPG". The second sentence should be amended to read "The extent to which a planning application meets the published guidance with respect to housing mix

will be an important material consideration in the grant or otherwise of planning permission."

#### **Rural Housing – Policy H5**

- 8.122 Policy H5 of the IP raises the question of housing in rural areas, and proposes a mechanism whereby Parishes can develop "Village Plans" which include proposals for small scale developments of category A housing to meet local needs. (Proposal 14 on p 161 of the IP set out the mechanism for the Village Plans). This was one of the components of Table 6.2, which we discussed earlier, and which assumed that 100 houses would come from this source over the IP period.
- 8.123 There were two issues here. The first was a matter of principle. Was it right to have such a policy? Would it have damaging effects on agricultural land? Should it go further? The second was a matter of process – should village plans be approved by the Minister or should they be the subject of agreement by the States.
- 8.124 There was some opposition to the concept, from the JFU and RJAHS, who were concerned about the loss of agricultural land. The National Trust, Mr Howard and Ms Valerie Harding also had reservations. The JFU said "we are deeply concerned that this proposal will allow developments on an Island wide scale on good agricultural land.....fly in the face of all the other intentions to protect our countryside....".
- 8.125 Constable Yates, in his written statement, put the opposite view. The policy would "help achieve a positive, lasting legacy of sustainable rural communities". There had been a progressive social imbalance in rural areas due to the high cost of housing and young working families from the Parish could not find accommodation. He was supported by Mr Jehan and others.
- 8.126 Given that these are to be very small developments, designed (all agreed) for Category A housing only, and for local Parish needs, we think the concerns of the JFU and the RJAHS do not over-ride the identified needs. We therefore support the principle of the policy.
- 8.127 Mr Stein put a different point of view, arguing that the policy did not go far enough and that the Minister should identify sites through the IP process; but this did not find favour with others. We do not support it either; the essence of the policy is that it is for small scale local needs. As the Minister said, these are not sites designed to meet the strategic needs of the IP – rather they are about supporting the Parishes. It was very important to him that these ideas were "locally-led", with "local engagement and community buy-in".
- 8.128 We agree (as Constable Yates and others also argued) that it is right that the Parishes themselves should develop these proposals, in consultation with local people (and after due consultation with stakeholders). For the Minister to identify sites, in the same way as he has done elsewhere in this and previous IPs, would run counter to the (rightly) limited aims of H5. Mr Jehan felt that the figure of 100 may be too low, but the Minister indicated that it was not a target but simply an indication of scale.
- 8.129 Mr Stein questioned whether sites would in fact come forward. We heard evidence that at least some – probably most – of the rural Parishes were



interested in pursuing it, and some already had action in hand. We did mention earlier that we were told that St Lawrence were less enthusiastic than others; if this is so we would urge them to take a positive view of the opportunity, as others are doing. But in the final analysis, as a purely local issue, it is for the parishioners of St Lawrence and other Parishes to decide through the ballot box.

- 8.130 Constable Yates stressed that the sites should be small and should be "...within or immediately adjacent to the established village facilities", and was very clear that he did not wish to see speculative market schemes succeeding in rural areas. This was overwhelmingly the view of participants at the EIP. Most of the participants at the EIP were concerned that development should not be "out in the countryside" (and we noted the third point in Policy H5 which requires it do be well related to the BUA). This would give some comfort to the JFU. There was discussion of redundant greenhouse sites. It was generally agreed that where these were well located they would provide suitable sites – but, most people thought, definitely not where they were "outside villages".
- 8.131 The Minister's view was that sites should comply with the overall strategy of the IP – close to the BUA, close to facilities etc. We strongly agree with this, and regard it as important that this policy is directed at the identified need and not used to promote other schemes – especially not those which are poorly located. Mr Stein put forward a number of areas where he considered the BUA could be extended, or new BUA created. We deal with some of these specifically in Volume 2. But in general, we thought these proposals to be quite contrary to the spirit and intentions of the IP generally, and of H5 in particular.
- 8.132 We therefore support Policy H5 as it stands, and support particularly the proposition that these sites should be brought forward locally, as the Minister intends.
- 8.133 There remains the question of whether the Village Plans should be approved by the Minister (as SPG) as proposed in Proposal 14, or whether the States should have a role. The National Trust thought they should be approved by the States (see their written statement Doc HRA/NT), essentially as we understand it to ensure that the historic fabric of villages was properly considered and safeguarded. Interestingly Mr Stein agreed, though for different reasons (see his written statement). This reflects his view, with which we do not agree, that the sites should be identified by the Minister in the same way as other sites in the IP, and that he should consequently alter the definition of the Green Zone.
- 8.134 Constable Yates said that the Parishes were well equipped to carry out the work to a proper standard. He pointed out that the Plans would cover not just housing but other matters of concern to the Parishes. There would be full consultation with States bodies and other stakeholders and it was not appropriate to refer village matters to the States.
- 8.135 The Minister took a similar view, and also indicated that he would consult with other Ministers before reaching a decision; and that he could, in the event of a particularly controversial proposal, bring the matter to the States – as he had done on other occasions. We are satisfied with that assurance. We can see no need to complicate the process by bringing Village Plans to the States. The Minister has the powers to approve these Plans, and proposed a sensible amendment to Proposal 14 (in the form of a footnote) to make this clear.

8.136 Apart from this amendment we recommend no change to Policy H5 or to Proposal 14.

#### **Remaining Policies H6-H11**

8.137 There were no substantive comments on Policies H6, 7 or 8. Nor are there any matters on which we need to report in respect of H10 or 11. However there were representations concerning Policy **H9**, and we had a short debate on it at the EiP. The policy concerns staff and key agricultural worker accommodation.

8.138 The policy was strongly supported by the JFU. But some concerns were expressed – for example by the National Trust, who had "...yet to be convinced of the need for such dwellings. It is also crucial that the occupation restriction applies to those actively and currently involved in the industry....". Mr Dun was concerned that in this policy and elsewhere favourable treatment was being given to the agricultural industry which was not justified.

8.139 We readily accept that the policy provision is likely to be controversial and may be open to misuse. This is by no means unique to Jersey. Even so, agricultural holding, on the island as elsewhere, can have genuine needs for resident employees in ways that do not arise for most businesses. There are many caveats and conditions in the policy as drafted and we think it is reasonably balanced and obviously it needs to be robustly applied. We recommend no change.

#### **The non-qualified sector**

8.140 On several occasions during the EiP the question of the non-qualified sector was raised. Mr Dun in particular was exercised about what he considered to be the unfair and unreasonable treatment to which people in that sector were subject. Mr Le Quesne also raised the issue.

8.141 It is a matter of some surprise to us that there is so little in the IP about this quite large group of people. It is not easy for us to make specific recommendations about it; we have little evidence either of the numbers involved or of the conditions in which they live. The Minister said that he dealt with development applications for accommodation for this group. He indicated that, based on that information, conditions seemed to be improving and the quality of accommodation was getting better.

8.142 We think it right that Mr Dun and Mr Le Quesne raised this issue. We would expect future reviews of the IP to deal with it more directly.





**AJA RESPONSE TO DRAFT ISLAND PLAN (WHITE PAPER – SEPT. 2009)**

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Our Ref: PWH/AJA/IP/010.6

24<sup>th</sup> March 2010

Senator Freddie Cohen  
 Minister for Planning and Environment Committee  
 South Hill  
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 JE2 4US

Dear Senator Cohen,

**AJA Response to Draft Island Plan**

The Association of Jersey Architects (AJA) recognises the Island's Plan important influence on determining Jersey's and Islanders future – not only determining our natural environment but also our physical, spatial and sociological development. We have therefore undertaken a lengthy consultation in canvassing the views of all AJA Members, held a special General Meeting on the subject, then formed a AJA Island Plan Review Group to prepare a response. From the reactions and comments received the consensus of opinion has been distilled to prepare the AJA's Response to the Draft Island Plan White Paper – September 2009 (2009 Draft Plan).

We consider the Island Plan is an extremely important document affecting the lives of all Islanders – the way we live, what we live in, what we can do (or what we can't do) with our land and properties, what physical provision is made for our economy and commerce, our livelihood, how we travel, etc. – for at least the next 10 years. The Planning & Building (Jersey) Law 2002 places a legal requirement on you as Minister for Planning and Environment to rigorously follow the Island Plan provisions, without making exceptions. It would therefore appear that, once the Island Plan has been adopted by the States of Jersey, our future will be 'cast in tablets of stone'.

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We have not sought to comment on every Policy where it is apparent AJA Members hold neutral or varying opinions. Instead we have aimed to comment on the principal Policies and sections that we welcome and support, or have specific concerns at the same time wherever possible seeking to constructively suggest alternatives.

#### **1.0 General Background**

1.1 The 2002 Jersey Island Plan, together with introduction of the Planning & Building (Jersey) Law 2002 marked a watershed in modern Planning control in Jersey. Previous Island Plan's tended to be aspirational and indicative of how Planning Policy would be developed and applied. The 2002 Plan marked a distinct shift to prescriptive Planning, where the requirements and provisions of the Island Plan determined application of Planning Policy in deciding future Planning applications.

1.2 Although introduction of the 2002 Plan was not without controversy shortly ensuing over, inter alia, the so-called '*secret rezoning*' of countryside land pockets closely related and next to the Built-Up Area the AJA considers the 2002 Plan has successfully protected our core countryside and provided for our built physical needs over the last eight years. Apart from a few exceptions the 2002 Island Plan has been universally accepted and welcomed. Indeed Chris Shepley praised the 2002 Plan as being "*one of the best*" planning policy documents he has ever seen which, from a former UK Planning Inspector held in high esteem, is praise indeed.

1.3 In reality the so-called '*secret rezoning*' was not a secret at all – these small adjustments to Built Area boundaries were clearly detailed for all to see in the 2002 Plan draft. They rectified some inconsistencies and anomalies in the division between the Countryside and Built zones. Were the changes detrimental to the Countryside and Important Open Space? We suggest there has been no discernable adverse impact on the Countryside but they have helped to realise 'windfall' housing land for the Island. Subsequent designation of additional Important Open Spaces and rezoning of land for "Over 50's" retirement housing illustrated ongoing tension between protecting our Countryside while providing for Islanders built accommodation needs. Although these represent significant modifications we don't believe they undermined or invalidated the 2002 Plan.

1.4 It has been acknowledged the 2002 Plan has achieved a great deal of its underlying objectives. The performance of the 2002 Plan has been exceptional - delivery of homes in the qualified sector exceeded the 2002 Plan target to provide 90% of the planned 2,860 homes over the Plan period by actually delivering a total of 3,149 homes between 2002-2006.

1.5 The National Trust for Jersey, in their response to the Strategic Issues Green Paper, questioned whether it was appropriate or even possible to review the Island Plan before a population strategy was debated and adopted by the States Assembly. The Green Paper itself acknowledged this crucial problem, stating on page xi that :-

*"...It is necessary to make some planning assumptions in the preparation of the new Island Plan. It has to be made clear, however, that any planning assumption about in-migration is not a foregone conclusion or 'fait accompli': the Island Plan review process will not lead the determination of any in-migration strategy for the Island - that is a matter for the States to determine within the context of a debate about the ageing population. The Island Plan will have to follow whatever the States determine, and the strategies, policies and proposals within the draft Plan, to be published in early 2009, may need to be subsequently reviewed to reflect the States ultimate deliberations."*

1.6 The AJA believes we still have a robust, fit for purpose, Island Plan without any need for rushing into adopting a completely revised new Island Plan - at least in the foreseeable future. The legal requirement on you to present a new Island Plan to the States Assembly within the next two years could, quite simply, be achieved by updating and editing the 2002 Plan to account for subsequent changes including States decisions and other initiatives. There is no imperative for a complete re-drafting and re-working of the Island Plan.

1.7 Other respondents to the Strategic Issues (Green Paper - July 2008) echoed this view, with the Council for Protection of Jersey's Heritage acknowledging "there is nothing seriously wrong with the Jersey Island Plan 2002" and the Societe Jersiaise Environment Section concluding "the existing Island Plan was fundamentally correct in its approach and, for day-to-day guidance on decisions, the Policies were an excellent starting point. At that level, all that was needed would be relatively minor changes, particularly with the aim of clarifying exemptions to presumptions either for or against the principle of individual policies".

## **2.0 Crucial Issues**

2.1 Before commenting on detail aspects within the 2009 Draft Plan it is essential to consider what are the objectives in preparing a new Island Plan. What are the crucial issues, what must be achieved and what is important?

The Strategic Issues Green Paper consultation responses provided two very clear and loud messages:-

### 1) Protection of the Island's Countryside

2.2 There is extremely strong support for protecting and enhancing the core of Jersey's green countryside, which the AJA fully endorses. Over 80% of respondents to the Green Paper agreed the new spatial strategy for the Island Plan should concentrate new development within the existing built-up area (with a particular focus on St Helier) and the landscape character of Jersey's countryside should be protected.

2.3 However, opinion about the extent of countryside protection and the extent of the built-up area painted a very different picture. For example, only 42% of respondents disagreed with the spatial strategy allowing development of brown-field land outside the built-up area. But there was less support for development on green-field land where it would help to maintain and enhance rural parish communities, with 55% of respondents being against such rezoning of agricultural land to expand Parish villages.

#### 2) Designating a West Coast National Park

2.4 The AJA generally supports designating the West Coast as a National Park. Support is virtually universal Island-wide, with 78% of respondents to the Green Paper agreeing with designating St Ouen's Bay and the West Coast as a National Park and 91% agreeing the Island Plan should introduce stricter policies for protecting the coast where it is undeveloped.

#### Core Issue – AJA Opinion

2.5 Within Jersey's limited land area there are competing pressures – to maintain the Island's character and green countryside on one hand, while providing for our population's needs in terms of built facilities (not least housing) on the other hand.

2.6 It is unfortunate the debate about balancing these two fundamental objectives has become confused with and interwoven into other debates about population of the Island. As previously noted the Island's decision over population strategy generates the driver for determining Planning Policy over how the Island's built and natural environment is balanced, not the other way round.

2.7 The AJA believes it is important to protect, conserve and enhance the Island's core countryside, areas of open space, high scenic quality and outstanding character. These are fundamental to our quality of life, important for agriculture and also attract visitors.

2.8 Providing for an adequate housing supply is the crucial problem any Island Plan must resolve in order to be a successful Plan. Without this the resultant shortage of supply against increasing demand just from internally generated housing needs will result in ever increasing housing prices and inability of young Jersey people being able to climb on the housing ladder. In examining the 2009 Draft Plan the AJA hoped an answer would be found to achieving this core issue.

#### The 2009 Draft Plan – AJA Response

##### **3.0 General Comment**

###### Locally Drafted

3.1 In general the AJA congratulates the Policy & Projects division of the Planning Department for their work on preparing the 2009 Draft Plan. Overall the Plan is very well written, thorough and precise.

Any subsequent criticism of specific aspects is to be taken as comment on the political and social framework that has influenced the Plan, not any reflection on Officers involved with writing the Plan.

3.2 The AJA would like to specifically commend the clarity of the Island Plan Proposal Maps accompanying the Plan, which are a distinct improvement on the 2002 Island Plan maps.

Clarity of Objectives + Indicators + Proposals + Policy

3.3 We commend the clarity of identifying what is an Objective, an Indicator, a Proposal and a Policy. We trust this will assist with separating out over-arching aims (Objective) and measures of achievement (Indicator) from the actual Policies (supplemented with SPG's / Masterplans defining Proposals) that will be applied to future Planning Applications.

Pressure Groups

3.4 The AJA is particularly, extremely, concerned about the growing pervasive influence of non-governmental, non-elected, pressure groups over Planning policy and decision making in Jersey. It is becoming increasingly apparent their influence over Planning policy and the import given to their opinions is disproportionate to their membership. There is further concern the position they take and opinions they promulgate does not actually reflect the position and views of their own members as it is known their full membership is not always consulted on such matters. The AJA would like to point out the Planning and Building (Jersey) Law 2002 specifically lists all statutory consultee's whom the Planning Minister must consult. There is concern the views of such groups have had undue influence over writing of the 2009 Draft Plan.

Requirement for a new Plan

3.5 The AJA seriously questions why there is a need for a completely new Island Plan. The 2009 Draft Plan fails to detail why there is a need for a new Plan except for stating the legal requirement to review the Island Plan every 10 years. The legal requirement to review the Island Plan does not impose a requirement to prepare a completely new Island Plan. The 2009 Draft Plan does not provide any substantive justification for undertaking this significant, time demanding, and expensive exercise.

Supplementary Planning Guidance (SPG)

3.6 Many AJA Members have expressed a common concern, also voiced in our representations about the 2002 Island Plan, that introducing a new Island Plan without having the key SPG's in place runs the risk of leaving us in a Policy implementation vacuum. We have been waiting over too many years for SPG's, such as Parking & Housing Density, to be updated and released. The 2009 Draft Plan Policies are, in many cases, aspirational and continued lack of supporting SPG's will leave interpretation open to inconsistent application between specific sites. Large parts of the 2009 Draft Plan relies on supporting SPG's that do not exist.

Constraining –v- Facilitating

3.7 We are disappointed the 2009 Draft Plan continues the prescriptive Planning approach, focussing on what we cannot do with our Built and Natural Environment. It is very negative in setting out what we cannot do and there is little about what we can achieve. What is the vision for the Coastal National Park? Where is the vision for St Helier, which is no longer seen as a town but a regional Capital. Maxing out density and scale of St Helier to provide all our built needs will result in significantly changing its scale and character.

**4.0 Strategic Policy Framework**

Sustainable Development

4.1 We need to get away from the notion that development is somehow 'bad' for sustainability. It is obviously unsustainable to waste natural resources but failing to adequately provide for our future built needs and housing is also unsustainable .

Spatial Strategy

4.2 We support the principles of the Spatial Strategy but point out the 'hierarchical sequence' fails to recognise –

- a) The importance of the existing western built-up area of St Brelade / St Peter, the amount of existing housing provided within this area, and it's potential for co-located living, working and leisure.
- b) The contribution that intensifying use of the existing built-up areas can make towards our future built environment requirements. We will return to this later when addressing the major issue raised by the 2009 Draft Plan proposal to significantly contract the built-up area.

We therefore submit Policy SP1 requires amending to take account of these considerations.

Reduce, Manage, Invest

4.3 Paras 2.29 – 2.33 contains a lot of 'management jargon' without appreciating demand for development, energy, water, travel is driven by population policy. Development only results from the population's needs and demands, not the other way round. We reject the suggestion development creates 'waste', in many cases development reduces waste of resources such as energy by creating more highly insulated buildings. However we support Policy SP2 as written.

Sequential Approach to Development

4.4 Policy SP3 similarly needs amending to recognise and incorporate 4.3 (a) & (b) points we made above.

#### Protecting the Natural and Historic Environment

4.5 The AJA fully supports the Policy and supporting text, while pointing out a balance needs to be found between our built and natural environments.

#### Better by Design

4.6 The AJA has consistently supported the drive to improve quality of architecture in the Island. It is no coincidence the prime examples of poor place-making and architecture have been produced by non-local Architects. The Island has a wealth of local Architects producing building of the highest quality and the AJA hopes this will be recognised and be supported.

4.7 We are disappointed para. 2.71 fails to recognise the contribution contemporary, modern, architecture can make to the diversity and quality of the built environment. There is no reference to supporting modern design that responds to local context. Any Plan with a 'vision' for the 21<sup>st</sup> Century should encourage architecture appropriate to our time – not just interpretations of traditional forms.

#### **5.0 General Development Control Policies**

##### General Development Objectives & Considerations

5.1 We are in full support of this section and Policy GD1, GD2 and GD3 except to point out the latter will require an SPG setting minimum density standards without which uncertainty will ensue.

##### Skyline, Views and Vistas – GD5

5.2 The AJA believes the thinking behind para 1.27, that stipulates *"the scale or height of existing buildings and structures which detract from an important skyline, vista or view will not be accepted as a precedent for their redevelopment."* is seriously flawed. Para. 1.23-1.27 presupposes that buildings detract from vistas and the skyline, whereas in fact they can enhance views. For example, the escarpment skyline around St Helier contains important buildings – such as Fort Regent & Victoria College – that enhance their location and surrounding vistas. If this Policy had been in force when these buildings were conceived they would not have been built! The way this section has been approached is overtly anti-built environment and needs reconsidering or even better absorbing into GD1 or BE3 where it would be more appropriately placed.

#### **6.0 Natural Environment**

##### Biological Diversity, Species Protection and Wildlife Corridors – NE1-NE3

6.1 The AJA submits this section ignores the inter-relationship between the natural and built environment and the potential for enhancing the natural environment within the built-up area has been overlooked. We must not see the 'natural' and 'built' environment as two separate and mutually irreconcilable worlds – they are not discrete and separate. There is potential for incorporating the natural environment into the built-up area.



Coastal National Park

6.2 We enthusiastically welcome and support this section.

6.3 However we suggest Policy NE6 clause 2 requiring where residential buildings are redeveloped there must be a visual impact reduction is unreasonably onerous. There are a lot of poor quality buildings in this zone that would improve the zone from their visual improvement without any scale related reduction.

Green Zone

6.4 We welcome absorbing the Countryside Zone within the Green Zone being the principal simplification in the 2009 Draft Plan – particularly as the 2002 Plan policies were identical!

6.5 However we are extremely concerned with an almost unnoticed 'reverse rezoning' in the 2009 Draft Plan that proposes expansion of the Green Zone by contracting the Built-Up area. This only becomes apparent right at back of the accompanying 'Policy and Zoning Amendments Schedule' where it is clarified the Built-Up Area amendments results in "a net reduction of land designated as Built-Up Area by 113 acres". This conceivably equates to losing some 3,300 future dwelling capacity at an average yield of 30 houses/acre!!

6.6 The 2009 Draft Plan fails to give any foundation or reasoning behind such a significant reduction of the Built-Up Area. The Strategic Options survey gave no basis for such a change, referring to containing development within the existing Built-Up area as it was defined in 2008, never mentioning it was intended to significantly reduce the Built-Up Area.

6.7 We consider this is a major structural flaw in the 2009 Draft Plan. Subsequent para. 6.51 anticipates that 4,625 homes will be found within the remaining reduced Built-Up Area during the Plan period to meet the projected demand for 4,000 homes over the same period. This anticipation is based on substantially increasing density of housing in St Helier (including the Waterfront) by over 2,500 homes. If this does not transpire the Plans predictions suggest there will be a shortfall in excess of 1,000 homes. Where is the replacement housing to be found?

6.8 The AJA submits there is no case for reducing the Built-Up Area extent. Rather there is potential for rationalising and consolidating the Built-Up area boundary to maintain and ensure future housing provision, without having any adverse impact on the Green Zone and while maintaining the strongest protection of our Countryside.

6.9 Not everyone wants to live in a town centre, even a rejuvenated one:-

- There is enormous scope for creating large numbers of new, good-quality apartment housing within the better, out-of town locations that lie within the existing BUAs (Eg: along

Victoria Avenue etc). However, this will only be possible, and economically viable, if it is accepted that the concentration of all housing within the BUA can only be achieved by redeveloping existing sites within these areas to a much higher density and that this will be supported by P&E.

- The 2009 Draft Plan accepts the above within St. Helier but appears to see little scope within the remaining Built-Up Areas apart from small-scale conversions and in-fills. The Island Plan needs a clear statement along the lines of '...Medium to high-density redevelopment within ALL Built-Up Areas will be encouraged and supported, where it is not considered detrimental to the amenities of the area... etc..'
- This will require a complete rethink of the planners' normal rules and pre-conceptions about appropriate scales and heights etc. in these out-of-town locations, although issues of overlooking and overbearing impact must continue to be important considerations.
- It is also vital that other newly proposed policies, such as those relating to 'skylines and vistas', 'sustainability (ie: presumption that existing buildings are to be retained)' and 'conservation zones', etc. are not allowed to interfere with or obstruct the general need to achieve higher densities.

6.10 We submit if the above is in some way embraced within the new Island Plan then an opportunity will exist to achieve the objective of creating large numbers of desirable apartment homes without further erosion of the countryside.

## **7.0 Historic Environment**

### Generally

7.1 Whilst fully appreciating and supporting the need to take special care of our historic built inheritance, several AJA members expressed the view the section on Historic Environment section has now become overly restrictive in its policies towards old buildings. There is a perception an anti-development culture now predominates in case of historic buildings, making them immune from the worldly concerns and pressures that the rest of the Island Plan seeks to address - ie: planning for future development. It is obviously important that the section on Historic Environment does not exist within a vacuum and some acknowledgement of this within the wording of the new Island Plan would be helpful.

### Conservation Areas

7.2 We welcome the Policies to introduce Conservation Areas, providing Proposal 7 is rewritten to make it clear they will be specific area with single identifiable unique character. Also include same comment for Proposal 8, St Helier Conservation Areas. We have heard suggestions the whole of St Helier may be designated a Conservation Area, within which there will be areas of 'indeterminate' and 'poor'

conservation character. Please can we have these sections re-written to avoid risk of such absolute nonsense arriving at a later date.

#### Preservation of archaeological resources

7.3 Where archaeological remains are of minor importance or consist of moveable artefacts we cannot understand why there should be a presumption in favour of their preservation in-situ because this makes them inaccessible to the general public. We submit it is far better such transportable archaeology is preserved in the Jersey Musuem / Societe Jersiaise where they can be easily accessed and their value understood.

#### **8.0 Economy**

##### Generally

8.1 The section about 'Protection of Employment Land', between Paras. 5.18 and 5.22, will have a major effect on redundant redevelopment or conversion of existing sites that have been used for employment such as offices, hotels, other tourist accommodation, restaurants, working farm buildings, etc. - in fact virtually all types of buildings where Islanders work - for alternative uses.

8.2 This contradicts the principal Economy Objective within E1, stipulating the principal criteria should be to "*encourage a balanced and more diverse economy and assist all sectors of the economy to adapt to change in the market place*". We submit Policy E1 will have exactly the opposite effect, to prevent building uses adapting to changes in the market place. This policy underscores the presumption against changing use of any buildings used for employment for other purposes.

8.3 The AJA submits that Planning Policy should not be used to distort market forces as this Policy seeks to achieve. About ten years ago the Planning Department and Planning Committee of that time attempted to prevent redundant hotels changing use and this failed. The Isle of Man used their planning policy in a similar way to distort market forces and they ended up with an important part of their building stock consisting of boarded up buildings. Imposing distortions of this nature is contrary to a key aspect of States strategic aims, referred to in Para. 5.7, of encouraging competition and the free market place.

#### **9.0 Built Environment**

##### Generally

9.1 Although the 2009 Draft Plan stipulates minimum densities will have to be achieved within the Built-Up Area there is no indication of what standards will be required. Without any guidance we therefore cannot understand how the forecast for housing yield has been calculated. Intensifying density in the Built-Up Area will necessitate further guidance about what does not constitute over-looking, or over-bearing development and standards for rights of light, without which the implementation of the Plan's principal thrust will be thrown into doubt.

Proposals 1-14 & Policies BE1-BE3 – St Helier and other Regeneration / Local Development Zones

9.2 We welcome and support the principal thrust of these sections, the proposals and Policies.

Green Backdrop Zone – BE3

9.3 We believe this is the appropriate place to address skylines, views and vistas.

Built-Up Area Contraction

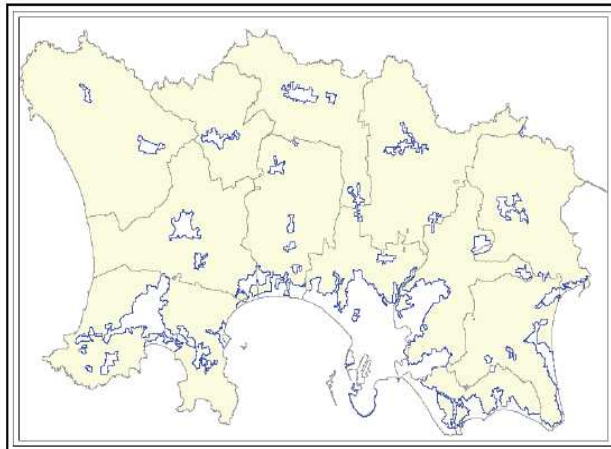
9.4 The AJA restates our comments in paras. 6.5 to 6.8 inclusive. We are extremely concerned the 2009 Draft Plan does not make provision for the Island's built requirements.

**10.0 Housing**

10.1 The 2009 Draft Plan recognises the Plan is unlikely to make proper provision for Islanders housing needs, warning in para 4.10 (bold type as used in the Plan) that ***"It needs to be clearly recognised, however, that unless land in the Built-up Area is developed at higher and more land-efficient densities than have previously been achieved, in accordance with the strategic policies of the Plan (Policy SP 2 'Efficient Use of Resources'), it will not be possible to meet all the Island's identified needs, particularly for housing, without reviewing the need to release greenfield sites for development during the Plan period."*** This indicates the density of development within Built-Up areas will have to dramatically increase to satisfy the Plan policies, overcoming other policies within the 2009 Draft Island Plan such as building height, Green Backdrop and skyline.

10.2 The concentration and intensification of all development within St Helier risks further polarising serious social divides (the have's in country houses with have not's in dense urban areas) and causing harmful damage denying our younger locals the opportunity of ever owning their own home. This approach was tried out in the 1960's with the urban high-rise developments, resulting in social problems.

10.3 There are glyph maps incorporated into the 2009 Draft Plan for virtually all demarcated zones / areas, except one delineating the proposed Built-Up area extent. This is contained within the stakeholders presentation and the lessons we learn from it are so important we reproduce it (by permission from Planning and Environment Department) herein:-



10.4 It is apparent, although the principal Built-Up areas within the Island extend across large parts of the south coast, they actually form a small proportion of the Island's land extent. By a large margin Jersey substantially retains its countryside and green, natural spaces. It is also equally apparent the Built-Up area is quite fragmented in places and in other locations rather irrational.

10.5 Although regenerating St Helier is an admirable objective it cannot be the only answer to stack up the housing in Town with increased density. This is not the answer to every built requirement. We know young Jersey persons aspire to a conventional home with garden and if this cannot be achieved on the Island they are prepared to leave Jersey for other shores. This is undoubtedly not good for our future.

9.6 In its current guise the policies concentrating and intensifying development in St Helier is too dogmatic. It risks creating a whole new set of demographic and sociological problems. We need to look harder at edges of the Built-Up area and brown-field sites. There has to be a more balanced approach.

10.7 The AJA submits there is potential for a Multi-Centric approach to the Built-Up Area, where distinct neighbourhoods are identified (within St Helier and elsewhere within the Built-Up Areas) and contain:-

- a) Distinct neighbourhoods within the Built-Up areas are identified.
- b) Each would be 10/15 minutes walk in any direction, to give an accessible size on foot.
- c) Each would have at least one public Open Space.
- d) All will be connected with public transport links.
- e) Each will have a viable mix of uses including shops, offices, other employment uses and housing.
- f) Adequate public / private transport and parking provision including car-share and bicycles.
- g) Strategy for enhancing public realm space and character qualities.

10.8 We propose that serious consideration need to be given to :-

- a) Rationalising the built-up area boundaries, and
- b) Consolidating the built-up area boundaries, and
- c) The benefits of appropriate reclamation. It is Jersey's tradition to reclaim land for our built environment requirements.

10.9 Previous Island Plans have proposed specific Green Zone sites for rezoning, resulting with arguments about countryside erosion and value. This has been a 'pepper-pot' approach to providing our built area requirements, relying on accuracy of forecasts and anticipated site yields. As soon as land is proposed for rezoning it's value shoots skywards increasing end housing cost. The AJA submits an overview needs to be established with a new 'Consolidation Zone' being widely drawn around the Built-up area (based on the above review) that does not count as rezoning but identifying areas within which Planning will identify specific sites that may be suitable for future housing. The States should then agree a site value with these owners more reflecting a slightly enhanced agricultural value than residential

land. Where such an agreement has been reached Planning and the States can then, over a period of decades, bring them forward for including in the Built-Up area and tender the sites for housing provision.

10.10 All this could be achieved without adversely impacting on our countryside or shoreline. Jersey's heartland countryside, green and natural spaces must be conserved and enhanced at all costs. The AJA believes the balance of Built-Up area and Green Zone needs reworking.

Affordable Housing – Policy H3

10.11 The AJA is of the common opinion that the requirement to provide social housing from private developments will, quite simply, bring all private housing developments over 2 or more units to a complete stop. It is simply unrealistic to expect private housing purchasers, through the developer, to pay for 40% of the development being subsidised – whether this is by way of a commuted payment or actual homes makes no difference. For example a small development of 3 houses will require the developer to make a commuted payment equating to allocating 2 of those houses as low cost homes.

10.12 To pick on just one aspect of the policy as drafted - in all other parts of the world it is an accepted economic fact of life that affordable housing is located in less exclusive locations, but if it were to become a planning requirement that a redevelopment of, say, an exclusive sea-front site in Jersey had to contain at least 40% of affordable housing that seems just plain daft and against all intuitive logic. The 'opt-out' clause - basically a stealth development tax - could kill all development stone-dead and seems fraught with difficulties (eg: who is to decide whether a development is 'economically viable' and what criteria will be used?). Has a proper in-depth study been carried out into the economic realities of this policy? If so, we need to see the evidence and results.

10.13 There can only be three possible outcomes from this Policy:-

- a) Private housing development stops - result 2009 Draft Plan housing projections fails and demand outstrips supply of existing homes, therefore pushing up prices.
- b) Housing land prices are pushed down - result landowners don't sell for housing and/or makes regeneration unviable, with the same end impact upon housing market.
- c) The cost of the affordable housing commuted payment pushes up housing prices in excess of other influences making housing even more un-affordable than at present.

10.14 This Policy is hostile to the regeneration of St Helier, where it is more expensive to redevelop sites.. Many private house purchasers will also be put off buying a house where 40% of the homes comprise social housing as the mixing of social and private housing is known to be problematic.

10.15 The AJA would like to point out this Policy is seeking to place a levy on expensive land, rather than controlling the value enhancement of cheaper land. We submit the States should be seeking to control release of land (other than 'Windfall' sites in the Built-Up area in private ownership) into private housing development by reaching agreements with landowners as outlined in para. 9.3 above, funding and



implementing servicing of the land, then selling on the sites for affordable housing to developers who will build on them.

#### **11.0 Social, Community and Open Space**

##### Educational Facilities

11.1 The 2009 Draft Plan premise there are deficiencies in provision of education facilities with the Island is seriously flawed. We believe the requirement for educational facilities has reduced in proportion to reduction of children within the Island, following on from birth-rate reduction over preceding years. It is only higher education at Highlands College that is experiencing increased levels of demand.

11.2 It is therefore possible the Comprehensive Spending Review will conclude the Island has surplus primary and secondary educational facilities that can be rationalised, resulting with educational sites being released for other uses. The 2009 Draft Plan, although mentioning the current review of longer-term ESC property requirements, does not take account the current educational circumstances and by preceding the ESC property review cannot incorporate what might be substantial sites becoming available for uses such as housing. This is another reason why we view the 2009 Draft Plan as being somewhat premature.

##### Open Space Strategy

11.3 The AJA enthusiastically applauds and welcomes the Open Space Strategy and associated Policies.

11.4 Considering the Open Space Strategy it is very surprising there is no new Open Space initiatives proposed in the 2009 Draft Plan, instead relying on existing proposals and initiatives.

11.5 A key aim of the 2009 Draft Plan is to intensify development density within the Built-Up area, bringing with it a need for enhancing Open Space provision within this zone and providing additional community facilities. The lack of proposed facilities to ameliorate effects of increased building density risks social disconnection and discontent.

##### Allotments - Policy SCO6

11.6 The AJA enthusiastically applauds and welcomes the policy to realise allotments. However we query why allotments are not viewed as agricultural land ( surely they are both used for growing food ?) and therefore suggest presumption against realising them on land deemed to be "required for agriculture" is rather misplaced.

## **12.0 Travel and Transport**

### Generally

12.1 There are inherent contradictions between Built-Up Area section in the 2009 Draft Plan compared to the Travel & Transport section. For example a significant section of the Built-Up area is located with the western 'housing conurbation' of St Brelade and St Peter and the Plan militates against employment uses in this area forcing these residents to primarily work in St Helier, but the over-arching Travel and Transport objective is reducing need to travel. In which case the Plan should surely promote some employment related uses (offices, retail, etc.) within the western part of the Built-Up area, rather than concentrating them in St Helier ?

12.2 The AJA does not believe that issue of public transport provision should be conflated with the best and most appropriate solutions for locating our built development requirements.

12.3 The AJA submits Objective TT1 and Policy TT8 puts the cart before the horse, through insisting that development forms and patterns are located near to existing Island Route network of public transport provision. The precept is we accept the existing transport system is all that can be achieved. Instead the AJA believes we should place housing in the most appropriate locations, then provide the transport system to serve those locations.

12.4 There is no justification for TT8 imposing a 400 metre limit on distance of new housing or employment related development from the current public transport service. The existing Island Network is not cast in stone.

### Footpath provision and Enhancement – TT2

12.5 While the AJA generally supports this Policy we believe it should recognise there are good alternatives to siting new footpath infrastructure next to roads. There are instances where there are more amenable solutions to siting footpaths immediately adjacent to roads – e.g. new Airport footpaths.

### Cycle Routes – TT2 & TT3

12.6 The AJA supports these Policies.

### Parking Provision in St Helier – TT10 & TT11

12.7 There is a contradiction between earlier Policies of restricting new employment related development within St Helier and the 2009 Draft Plan policy of restricting St Helier public off-street parking facilities as well as refusing private car parking, in conjunction with the current ongoing reduction in public on-street parking. This will diminish St Helier's retail & commercial activity, rather than enhance St Helier as the Island's vibrant business centre. It should be recognised the Island does not have a real traffic problem (there is very little congestion on the main arterial roads except short peak periods) and public transport is not the panacea for all travel issues.

Parking Provision outside St Helier – TT12

12.8 It is strange the 2009 Draft Plan recognises the problematic lack of public parking within areas such as St Aubin, Gorey & Rozel and, rather than proposing a solution, derives a policy against provision of new public parking unless alternatives have been supported. The policy fails to recognise the benefits that can flow from adequate public parking in satellite centres such as St Aubin, where adequate public parking coupled with public transport to / from St Helier (park and ride) has the potential for eliminating peak hour congestion from the western residential areas to St Helier, in both directions.

**13.0 Natural Resources and Utilities**

Generally

13.1 The 2009 Draft Plan gives no consideration to the benefits that would arise from careful reclamation providing additional Built-Up area in conjunction with landfill of countryside sites, the latter will only repair landscape character and create additional fields.

**14.0 Waste Management**

Foul Sewerage Facilities

14.1 The AJA is delighted Policy LWM3 at last recognises replacing an old septic tank with a 'packaged treatment plant', otherwise known as Bio-digesters is a feasible, practical and environmentally sustainable solution allowable under this Policy. For the sake of consistency we trust appropriate Bio-digester installations will be accepted for new developments otherwise meeting the Plan Policies and permissible.

**15.0 Conclusions**

AJA Members appreciate the difficult task facing the Planning Department in balancing the competing demands and needs of the Island that can be summarised as – Provision of Housing for residents; Provision of Social, Commerce and Recreational facilities; Protection of the Environment; Protection of the Island's Heritage; and importantly flexibility to accommodate changes in the future circumstances of the Island.

Given Jersey's finite land area every square metre is precious and land use presents complex decisions about how Jersey will progress in the future – with the Island Plan setting the framework - and the AJA considers there are many commendable aspects of the 2009 Draft Island Plan. However there are some major issues and defects that, as we have set out above, need reconsideration.

The overall combined thrust and effect of the Policies is unreasonably anti-development, against the Island's demonstrable need to, build - particularly new housing. Contracting the Built-Up Area by about

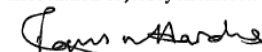
113 acres (the summary section on Built-Up area boundary changes needs clarification) while seeking to provide an additional 4,600 homes over the Plan period is doomed to failure. This is unsustainable and fails to learn from previous experience – we have been here before. The Built-Up area deserves consolidation and lateral thinking rather than reduction.

There is a need to rethink substantive parts, but not most, of the 2009 Draft Island Plan. We hope the final re-worked Plan will be much more visionary (especially about providing Housing) - creative and liberating rather than restrictive.

As the 2009 Draft Plan stands at present commerce will be handicapped and housing provision stifled over the next 10 years. The AJA sincerely hopes this does not occur and implores you to reconsider the approach currently within the 2009 Draft Island Plan and arrange re-drafting of the sections we have highlighted.

*The Association's representatives would be pleased to discuss these issues with the Minister.*

Yours Sincerely,  
**For and on behalf of**  
**Association of Jersey Architects**

  
**Paul W. Harding BA(Hons) DipArch(Dist.) RIBA**  
**AJA Immediate Past President**

- cc. Peter Thorne – Director of Planning
- Kevin Pilley – Policy & Projects, Planning
- Ralph Bucholtz - Policy & Projects, Planning
- Colin Perchard - AJA Patron
- All States Members
- Media
- All AJA Members
- Ray Shead – Chamber of Commerce

*The AJA held a well – attended meeting in December 2009 (over 21 AJA Members were present) when Peter Thorne, Kevin Pilley & Ralph Bucholtz gave a presentation on the Draft Island Plan, with the AJA 's thanks for their time. During this meeting preliminary AJA Members reactions and comments were recorded.*

*The final AJA response has been prepared from this meeting and further contributions during subsequent meetings of AJA Island Plan Review Group, in particular:-*

- Michael Bravery (Michael Bravery Architect)*
- Richard Le Sueur (Richard Le Sueur Architects)*
- Carlo Riva (Riva Architects)*
- Ian Alder (Riva Architects)*
- Myles Winchester (BDK Architects)*

*Written contributions from:-*

- Mike Waddington (Naish Waddington Architects), AJA President*
- Bruno Francisco (Naish Waddington Architects),*

*- All of whom are thanked for their input.*

*AJA Council & AJA Island Plan Review Group endorsed this response on 30<sup>th</sup> March 2010*