

18th June 2015

Scrutiny Office
Morier House
St Helier
Jersey
JE1 1DD

Environment, Housing and Technical Services Scrutiny Panel.

Dear Sir,

1. Having read your advertisement in the 08th May 2015 edition of the JEP seeking views of Islanders regarding the housing situation, I ask that my comments be taken into account.
2. I will not hypothesise as to the possible reasons for the lack of affordable housing being built in Jersey, but I will provide a layman's perspective, but a perspective based on personal experience and fact. I will describe our experiences when my wife and I tried to develop a two vergee field in partnership with the parish. Our experiences can be corroborated, and hopefully from my submission you might glean possible reasons as to why there is a reluctance to develop in Jersey, and provide affordable housing.
3. In this submission, I will first explain our reasons for wanting to develop the land, and then describe our dealings with the parish and the Planning Department. I will also explain the events of the parish Assembly and the cost of putting our proposed idea into action. Finally I hope to draw conclusions as to why we would not repeat our experiences. I also hope to demonstrate that the States are being, or have been somewhat neglectful in providing social rented accommodation, and that they are now trying to correct the situation by penalising developers and the construction industry, all of which is encouraging people not to offer land cheaply for development.

Introduction

- 4.1 My wife owns the field in question, and which has been in her family for many generations. It is a 2 vergee field that has very poor soil quality, and due to its size, shape and location, it has very little agricultural value. This was agreed by the Jersey Farmers Union. As well as having a history of providing affordable housing for the parish, the family also has a long documented history of benefiting the Island which include a well known Victorian Jersey artist, engineering and agricultural industry, proven acts of bravery during the occupation, and bringing electricity to the Island. We were interested in offering the field for development as my wife wanted to follow in the footsteps of her ancestors, and contribute to providing quality affordable housing for families within her native parish. The point I wish to make is that this project was not a whim.
- 4.2 We first wrote to the parish Deputy in 2010 in order to offer the land for development, and also explore the feasibility of such a project. Unfortunately we received neither reply or acknowledgement.
- 4.3 In 2011, we wrote to the parish Constable where we subsequently embarked on a working relationship to provide affordable housing for parishioners. The Architect ascertained that the field could yield up to 13 three bedroom houses with gardens, and not only off road parking but also some guest parking. The parish and Architect agreed that the location of the field being situated adjacent to recreational land, would have provided a safe and ideal location for young families. The site had easy access to recreational land, schools, bus and commuter routes. Although the site was not in the main settlement, it was in a secondary built up area. The parish has no brown field sites to offer housing developments. The proposed site would have caused very little impact to the already built up area.
- 4.4 The proposed idea was that we would be in partnership with the parish, and that after the properties were built, the parish would retain 25% of each house built as an in-perpetuity affordability bond. This meant that the parish could govern the re-sale price of each unit, and which would negate buyers selling at a huge profit; thus retaining the affordable housing status.
- 4.5 Because of the dynamics of how the dwellings would be built, i.e as in the construction costs, the fact the parish would not be taking any uplift, and our uplift would be drastically reduced from what might be normally expected on a normal building arrangement, calculations suggested that the dwellings could be

sold for between £350,000 and £370,000. The parish Constable and newly elected Deputy were both in favour of the project, as were I believe the parish council.

- 4.6 As regards compensation or uplift from the sale of the land, yes of course the development would have yielded us an uplift, but our true motivation was providing quality affordable housing for the parish, and that the small estate would be named after my wife's family as a token of respect. A cynic might scoff at this allegation, but later you will see there is corroboration of our claim.

Parish communication.

- 5.1 Unfortunately whilst we were grateful that initially the parish seemed genuinely interested in the project, sadly we do have some criticisms.
- 5.2 We found that throughout the numerous meetings we had with the parish, the only notes recorded detailing what was decided and agreed upon, were made by us. No notes were made by the parish. Unfortunately this often resulted in when attending subsequent meetings, the items that were previously agreed on were reneged by the parish. This was incredibly frustrating, and although the parish said they were fully in favour of the project, at times it was difficult to believe their commitment was genuine. We couldn't help feeling that if they couldn't be bothered to record any notes, then really how serious were they in supporting the project. We felt at times that they were just stringing us along, and we were just part of some political agenda. This might sound harsh but it describes the effect it had on us.
- 5.3 It was also very frustrating in that we would often have to send emails to the parish, but frequently we did not receive any acknowledgements or reply. Consequently this resulted in frustration, and us having to either re-send the email or telephone the parish in order to ascertain whether the email had actually arrived. Clearly all this caused additional work, frustration and delay, and was completely avoidable.
- 5.4 Finally, although we were financing the project ourselves, and despite the fact the parish were reluctant to enter into any formal agreement with us, we were frequently request to undertake certain actions. These actions included engaging a Land Agent, an Architect, and having detailed plans drawn up, as well as having a model of the proposed site constructed. Although we agreed to the Architect, Land Agent and detailed drawings, we declined the model. The cost of the additional work was in excess of £5,000. In addition to this, we incurred other fees in meeting with the Architect and which amounted to approximately £3,000. We paid this sum as we were committed to the project, and we were encouraged to believe that the parish was genuinely interested in the project. Unfortunately

however, we were left in doubt.

Planning Department

- 6.1 On the 12th May 2012, we attended a meeting at the Planning Department along with the parish, Deputy Rob Du Hamel and his Chief Planning officers. Although the issue of re-zoning the field still remained, in general, all were in favour of the proposed development. The Deputy requested that the field be included within the Village plan and that the plan be submitted. Apparently up to this point the parish had declined to submit a Village plan. The Deputy had also requested that we return to him once the Village plan had been submitted along with the views of parishioners.
- 6.2 Subsequent to the meeting, and on the subject of the Village plan, the parish informed us that they had declined to submit a Village plan because in their mind any land within the plan would escalate in value. Although we acknowledged this concern, the fact remained that if the value of certain land increased as a result of being include within the Village plan, we did think that conditions could initially be placed on any such land, and that the parish were under no obligation to accept the land for development. The parish could always oppose any plans. To us this argument was not viable.
- Donate 40% of plots*
- 6.3 It was also discussed during the meeting, that in the event the field was re-zoned, then the development would be subject to the 60% - 40% split. This equated to 5 houses being social welfare properties, and the remaining 8 properties being first time buyer properties. In effect, this meant that we would have to donate 40% or 5 plots of land to the States to build social housing. Despite the fact we would donate 5 plots of land for social housing, and because of the 25% affordability bond retained by the parish, we would receive far below the uplift usually expected for a first time building plots, given our commitment to the parish, and desire to contribute towards the parish housing deficit, we were more than happy to continue with the project. Possibly another landowner might not have been so willing. I suggest that the lack of land put forward at the time might corroborate this argument.
- 6.4 Whilst the Chief Planning officer and his deputy appeared enthusiastic and certainly helpful, it would be a fair description if I were to describe Mr Du Hamel as being somewhat ignorant of planning legislation, as well as having a poor knowledge of the topography of the field. At one point he suggested planting trees on the recreational land adjacent to the site in order to provide holistic benefits. Despite receiving advice from the parish official and the Chief Planning officer, Mr Du Hamel was unable to understand the reasons why this would not be appropriate. Mr Du Hamel did however advise that he was in the driving seat of

the project, and would steer the project in the right direction. We naively took comfort in this statement.

- 6.5 At the end of the meeting we left the Department in the belief that the Planning Department would work with us all, and that they supported the project. Despite the fact there was no further dialogue between us, it appeared that the Planning Department had a complete change of mind, and clearly opposed the project. We did feel very frustrated and disappointed at this. Clearly Mr Du Hamel steered the project into a complete 'U' turn.

Planning became greedy

- 6.6 Subsequently to the meeting of May 2012, and the initial 60% - 40% split, the Department increased the split to a staggering 80% - 20%. This meant that in order for us to continue with the project, in the event of the project being successful, we would have to donate an eye watering 80% of plots to social housing. It seemed to us that not being content in being given 40% of proposed building plots, the States now insisted on being given 80% of plots. Clearly over the years the States have been negligent and failed to generate sufficient dwellings to accommodate social housing tenants. It seemed that in order to generate almost free housing, they had imposed draconian and almost punitive measures against land owners and would-be developers. This new policy smacked of greed on behalf of the States, and a sure way of stifling not only the generation of quality new builds for first time buyers, but also quality housing for the social rented sector. Again, the evidence is in the number of developers who have contributed to the 80% - 20% policy.

Discrimination

- 6.7 In addition to the ludicrous 80% of plots having to be donated, it transpired that under Mr Du Hamel's watch, a large number of houses were built on the old Jersey Potteries site at Gorey, but none of them were for social welfare or first time buyers. This again gave us the impression that we were almost being punished for wanting to help the first time buyer market. This seemed gross discrimination.

Gateway of Social Housing

- 6.8 We had originally intended that if the project was a success, then any dwellings would be occupied by families within, or have a credible association to the parish. It didn't matter whether the properties were owned or rented, but as long as the occupants had a connection to the parish. It came as a blow during the meeting (that was not delivered lightly) that if the project went ahead and the properties were built, then the social rented properties would be administered by 'Gateway' and that families from all over the Island will occupy them. It was also mentioned that as far as parishioners occupying the first time properties, then this again would not be the case as the properties would be placed on the open market..

6.9 It seemed incredulous to us that we were willing to provide land at an extremely low cost in order to support families within the parish, but this generosity was firmly kicked back in our face. It seemed ridiculous that parishes were not allowed to cater for their own residents, and that there was no consideration that families might have a genuine reasons for wishing to remain within their native parish.

Pre-planning advice

6.10 The final blow to us was regarding pre-planning advice. We were advised that if the project went ahead, then the Department would work with the parish and us, and provide pre-planning advice. This inevitably would reduce costs. However we were then told that the advice was non binding, and that the Department could renege on the advice at their discretion. This appeared absolutely incredulous as well as possibly very expensive. At the time there were a number of examples and victims of this policy.

6.11 It is without doubt that because of the Planning Department and their greedy approach to penalise landowners; this no matter if the intent of the landowner was good, their actions clearly had a demoralise effect on us, and most probably many other would-be developers. It seemed to us that the Department were putting every single obstacle in our way in order to scupper plans to generate quality affordable housing.

Parish Assembly

7.1 Subsequent to the meeting with the Planning Department and numerous meetings with the parish, it was decided that the project would go before a parish Assembly. This Assembly went well, and although there was some concern over the proposed development, I feel in general there was clear support. However, the parish advised that another Assembly would be called at a later date. We did feel somewhat surprised at this because if the first Assembly was handled differently, then this might well have negated any need for a subsequent Assembly. Unfortunately we could have predicted the outcome of any subsequent Assembly.

7.2 We later discovered that had a Village plan been submitted as requested by Mr Du Hamel, and the field formed part of that plan, then with the outcome of the initial Assembly, we could have returned to Mr Du Hamel with a positive result. We can not help feeling let down by the parish on what was a totally predictable outcome.

7.3 During the second Assembly, there appeared to be several arguments against the project. However incredibly, out of all the objections raised, the objection with

the least concern appeared to be the re-zoning of agricultural land. In reality, the field in question had very little to offer towards continued agricultural use, although admittedly it does have some aesthetic value. The vast majority of objections were unpredicted, staggering, and smacked of discrimination. Even the Constable facilitating the Assembly was clearly stunned by some of the outrageous comments.

- 7.4 I have provided a synopsis detailing some of the comments and objections made during the Assembly. Clearly it provides a good insight to the current mind set of a number of Islanders, and demonstrates hostility towards not only first time buyer and social welfare rental new builds, but also the people who require such properties. It is comments such as these that have put us of continuing with the project.

Not in my back yard (NIMBY)

- 7.5 Several close neighbours to the field opposed the development. However some of these neighbours were distant family members who had previously bought land cheaply from my wife's father in order to build their own home, and remain within the immediate area along with other family members. Some had also built homes for their children. They opposed the project basically on the grounds that they didn't want the development in their back yard. It later transpired that two of the neighbours aggressively canvassed other residents to oppose the project, and when some declined, they became verbally aggressive towards them. Some residents complained to the parish because of this.

- 7.6 We did think it ironic that despite these people having bought agricultural land cheaply and had built their own homes, as well as homes for their children, they were now opposing the development for other young families.

- 7.7 Incidentally one of the main antagonists previously tried to purchase the field from my wife, and since she declined, this neighbour has been very difficult. This neighbour even complained about sheep grazing in the field. There is a log of antisocial instances associated with this neighbour, and which the parish are well aware of.

Don't do as I do

- 7.8 Some opposition were from people who although currently reside on a first time buyer estate, and which was previously also a green field, but because they had been bequeathed an adjacent property they did not want the field developed. Currently this property is rented to social welfare tenants, and where Social Security pay their monthly rent. The owners of the property opposed the development on the grounds that the development might devalue their 'second home'. It should also be noted that these neighbours also tried to purchase the field from my wife so they could form a very large garden. The offer was

declined.

- 7.9 Ironically, the social welfare tenants of the above described property had been encouraged by their landlord to also oppose the development. When asked why they opposed the development, they announced that they didn't agree with people owning their own homes, and that people should rent properties like they were !.

The housing market would suffer from first time buyer homes being built

- 7.10 Some people opposed the project suggesting that there were enough properties already on the market, and if more homes were built to accommodate the budget of a first time buyers, then the housing market would be diluted. Concerns were raised that if new builds were built to accommodate first time buyers, then people currently trying to sell their homes might find it difficult, and might not get the price they were asking. We found these types of comments very unsavoury.

They won't get the money

- 7.11 Some people objected to the project because they assumed first time buyers were on a very low wage, and would be unable to secure a mortgage on a first time buyer home. One couple even suggested that although they had only very recently moved into the parish, they had found obtaining a mortgage difficult. They queried as to 'how on earth are these people going to manage to obtain a mortgage'. The arrogance was staggering.

Better than though

- 7.12 Some people opposed the project suggesting that if people were unable to afford a property already on the market, then tough. They suggested that 'these people' should settle for what was available, or stay in the rental market. Ironically, the lady who suggested this, is the owner of a very large property in the parish, and who rents out units to tenants.

- 7.13 Others suggested that why should first time buyers be given preferential treatment, and that they should 'accept their lot'.

Live in a flat and get on with it

- 7.14 Some people suggested that there were enough flats on the market, and that if people had children then they should just get on with it, or that they shouldn't have had children in the first place.

There should be no uplift

- 7.15 Notwithstanding we were only too happy to donate 40% of plots and receive a much smaller uplift for the remaining plots, some people actually suggested that land owners should donate land *per se*. It seemed logic did not prevail, and some people were fixated with any land owner obtaining any uplift for their land. It was established however that people were more than happy to sell their properties for a large profit, but felt this was different and justified !

- 7.16 The annoying thing to us was the fact that no one knew or possibly were even interested in what charitable plans we intended for any uplift we achieved. It seemed the green-eye monster prevailed that evening.

Population

- 7.17 Some opposed the building of new properties for first time buyers, suggesting that that there were already enough people living in Jersey. They suggested that by building more homes it would only encourage people to stay in the Island. In short it was suggested that if no more houses were built, then this would control population and people were free to leave if they wish. Unfortunately this smacked of the old saying 'if you don't like it, there is a boat in the morning'.

Be grateful where you live

- 7.18 It was upsetting to hear other residents suggest that even if you had strong family connections still in the parish, people should be grateful to live anywhere in the Island. People suggested that if you were a parishioner and could not afford a second time buyer home, then tough go somewhere else. There appeared to be no understanding or appreciation of the need for family unity or support.

Assembly vote

- 7.19 Prior to the second Assembly, the Constable reaffirmed that he and the parish committee were still in support of the development. However during the Assembly, one parishioner announced to the Assembly that in a meeting he had recently had with the Constable, the Constable had promised that he would not support the project. Frustratingly the Constable only challenged the resident in saying that he had promised that a vote would take place that evening. Despite the fact the Constable announcing that any vote would not be legally binding as it had not been advertised in the media, a vote was taken. Unfortunately to this day we are none the wiser as to what was really said in the alleged meeting with this parishioner. We did feel however that there was a total lack of transparency.
- 7.20 On a positive note, during the Assembly the Constable did state that in the last 30 years, no one had offered the sale of their land within the parish for first time buyer development. It was suggested that the possible reason for this was the lack of uplift for plots. It was suggested by some attendees as well as the Deputy, that if people had land that they would be interested in utilising for first time buyer homes and social rented accommodation, then they should contact the parish. It is our understanding that none have since come forward.
- 7.21 At the conclusion of the Assembly, my wife and I, as well as parish officials, were staggered by the ridiculous, and really hostile objections towards not only the building of first time buyer homes and social welfare homes, but also towards those people requiring those homes. It felt as if humanity had left the Island for that evening. It is without doubt that the various comments made during the

Assembly, has shaken our resolve. In addition, given the obvious hostility shown towards people who are unable to buy second time buyer homes, or indeed unable to own their own home, we suspect this type of opposition will be commonplace with all similar proposed developments.

Amendment to the 2011 Island Plan.

- 8.1 The other issue that concerned us, was that there was some controversy regarding the two UK Independent Planning Inspectors who made recommendations for the 2011 Island Plan. This controversy appeared to increase when the same two 'independent' Inspectors returned to the Island in 2013 in order to hear appeals for the proposed amended Island Plan.
- 8.2 In 2013, we attended the hearing for the proposed amended Island Plan along with the parish. After the parish delivered their presentation regarding the proposed development of the field, and gave their support for the project, I delivered our presentation. It was abundantly obvious from the outset that the so called independent Inspectors had already decided against the project, and demonstrated clear bias in favour of the Planning Department against the project. Ironically in was the advise of these same two independent Inspectors in 2011 that opposed development of the re-zoning of agricultural land. It is a widely held concern that these two Inspectors failed to appreciate the unique needs of the Island, and have just copied that of the UK. However, it seems the UK are also in dispute over this policy. Houses need to be build in the country and not concentrated in town areas.
- 8.3 I also believe that it was these same independent Inspectors that supported the controversial development at Plemont, despite the fact the land was green belt agricultural fields. Certainly, I believe that if Jersey continue to use these two Inspectors for future Island Plans etc, then nothing will change, and the first time housing market and construction industry will continue to be depressed.

What we have learnt and where we are today.

- 9.1 In 2010, and against the advice of friends and family, we started the project in a hope to provide quality affordable housing for parishioners of my wife's native parish. Five years on and £8,000 later, we are no further ahead. We have invested a great deal of time, energy, and money into this project, only to achieve a negative result. The whole process has been very frustrating. All in all the project has been a complete waste of time and resources.
- 9.2 The Planning Department clearly have a presumption against re-zoning land even

if it is of little agricultural use, and they are clearly hostile towards any projects which involves the re-zoning of land. I suspect that if this mind set is allowed to continue, then very few quality first time homes will be built.

- 9.3 The current 80% - 20% split clearly does not work, and is viewed as a punitive measure against land owners. Clearly the policy is designed to discourage attempts to re-zone agricultural land. It also encourages the construction industry not to take on such projects as they have to build social rented properties at cost.
- 9.4 Of course the down side of the construction industry being made to build social rental accommodation at cost, is that consequently the profit margin has to increase when constructing first time buyer new builds. No doubt this additional profit margin contributes to the very high first time buyer properties (houses), or rather the lack of them.
- 9.5 There seems to have been a lack of communication, and commitment by the parish, and it appears that there was very little genuine interest for the project from the outset. We do feel very let down. I would say that without doubt, there needs to be more honesty and transparency between the parish, Planning Department and would-be developers.
- 9.6 Clearly the 2011 amended Island Plan achieved very little, and as such, there appears to be very little faith in the Planning Department.
- 9.7 Yes homes are being created for first time and social welfare, but these are flats. There is very clear evidence that a large percentage of people occupying these type of properties either have, or intend having children. Having worked in child protection, it certainly is my experience that children and flats is not a good combination. The question begs as to why the States are demolishing flats at Le Squez estate, and re-housing those tenants into actual houses on site, and yet at the same time they are building more flats to accommodate future tenants. There is enough evidence to suggested that moving young families into blocks of flats of poor and cramped housing, is an anti-social time bomb. For this reason I submit an article on the subject published in the 17th June 2015 edition of the Daily Mail. In this article it suggests that there is evidence against placing families into poor and cramped housing.
(Please see article attached)
- 9.8 We are told by our politicians that in order to keep the Island financially solvent, and to pay for future projects as well as health care, we are in a position whereby the population has to increase on an annual basis. If this is correct, then like the fact or not, homes will have to be provided, and I would suggest in country parishes. St Helier and St Saviour is already hideously over developed and populated.

Conclusion

- 10.1 As for us, despite our reasons being genuine and of good intent, we were advised from the outset not to bother offering our land for development as we would not enjoy the experience. This unfortunately has been very much the case. Currently we are in limbo not having heard from the parish since the second Assembly held in 2013. We have no idea as to whether the parish are even still interested. I suspect the project has fallen flat, and thanks to the Planning Department, until there is a radical change of attitude, transparency and policy, we have very little interest in continuing with it.
- 10.2 Because of the current 80% - 20% split, and that clearly the States are expecting land owners and the construction industry to subsidise the generation of social rented accommodation, I suspect land owners and developers will continue to sit on parcels of land in the knowledge that in time to come, land will be required for 'houses', and most probably at a high premium. The general view of the 80% - 20% split is that the States are being very greedy and the policy is unworkable. The States should stop expecting land owners and the construction industry to subsidise social rented housing. Also, the idea of placing families into blocks of flats is fundamentally flawed from the outset.
- 10.3 The other aspect of releasing land for first time development is the uplift of plots. On the basis of supply and demand, there appears to be a massive disparity between first and second time buyer plots. Whilst we were happy to donate 40% of plots for social rented accommodation, and take a minimal uplift for the remaining 60%, it seems very few people have the same mind set. Of course, should the States impose more draconian or seemingly punitive measures against land owners in respect of land prices, then undoubtedly this will only result in land again being sat on for a time when the housing market is in desperate needs, and then the imposed restrictions or punitive measures will have to be removed. My evidence for this is remembering a time when the States capped the price of different types of properties. This policy lasted only a very short time as people sat on their properties. Yes some people lost out, but I suspect because of this a learning curve has been created.
- 10.4 Currently, the Island has a large, and still growing population, there will undoubtedly always be mass opposition from the general public (for a variety of reasons as we discovered) towards development and re-zoning of land. It is for this reason that a strong parish leadership is vital. I have no doubt that had the field been part of a Village plan, and parishioners told they have to accept developments within their own parishes, then this development would have gone ahead, and 13 families would now be enjoying the security of their own homes. This has not been the case. Instead, it appears families will be dispersed from within country parishes and forced to live in blocks of flats. Hardly a recipe for

success and family unity.

- 10.5 Has our experience contributed towards the lack of 'houses' being built in Jersey, very probably. I am aware of a friend who took 20 years to develop his field and cost him £60,000. He advised us against offering our land for first time buyers. Would we repeat the process or recommend others do the same, definitely not..

What you ask

- 11.1 In your advertisement you ask:- *What are the most significant factors which affect the supply and affordability of housing in Jersey.* I refer you to the difficulties we experienced, and the very negative attitude towards development, as well as towards those residents who require such housing.
- 11.2 You also ask:- *What measures could be taken to increase the supply of homes and to improve their affordability.* From my own experiences I would say the whole process must be made much easier, and an acceptance that it is the land owners that possess the land for development, so please work with them and not vilify them. I also support an affordability bond held in perpetuity, but you will have to pay an acceptable uplift in order to encourage land owners to part with their land. Once the land is surrendered by it's owner, it is forever, and can no longer be passed down the generations. Surely this has a value.
- 11.3 I do wonder however given our experiences, as to whether there is really any genuine appetite to generate first time buyer homes. Yes clearly there is an appetite for social rented accommodation, and that can not be ignored, but I am yet to be convinced whether the States actually want first time buyer properties. I think this is a view shared by many.
- 11.4 The residents of Jersey must be made to understand that new homes will be required for many years to come, and a political statement should be made to this effect. Homes must be provided in country parishes in order to support family unity and remove the pressure on the parishes near to Town. Antisocial behaviour is a growing trend in Jersey, and I suspect that if the States continue to provide poor and crowded living conditions, matters will only deteriorate, and this at a financial cost to various States services.
- 11.5 We have tried to be magnanimous in our approach towards generating some social rented accommodation, as well as quality affordable housing for first time buyers. It seems however that our generosity is not good enough for the States,

and by default we have been discouraged from continuing. How this has helped the housing market and the families desperately needing good quality 'houses' (not flats) alludes me.

Yours faithfully

Mr A. J. Cornelissen