

23.07.17

13 Deputy S.Y. Mézec of the Minister for the Environment regarding supplementary planning guidance for affordable homes (OQ.158/2023)

Will the Minister explain why, given the adoption of proposal 24 in policy H6 in the Bridging Island Plan, which provided for an affordable housing contribution on large private developments from January 2023, he has not produced the supplementary planning guidance to give effect to this policy, despite telling the Assembly in January that he would do so in short order?

Deputy J. Renouf of St. Brelade (The Minister for the Environment):

I very much regret that I have been unable to produce and adopt the supplementary planning guidance which would enable policy H6 to take effect. This guidance, as the Deputy knows, relates to the delivery of assisted purchase products by the private sector on development sites of 50 or more homes, where at least 15 per cent of the development should be made available for sale or occupation by Islanders eligible for assisted purchase housing. Planning applications for private residential development of this scale occurs relatively infrequently in Jersey. Nevertheless, there is a clear and pressing need to ensure that the policy becomes operational. I have been working on the development of this guidance together with the Minister for Housing and Communities, and I will aim to bring it forward by the end of this month. This should then enable policy H6 to take effect. The reasons for the delay in its introduction are related to a number of factors. The first I guess is that the top priority has been on those elements of supplementary planning guidance that will enable the delivery of affordable homes, and this has involved a lot of work to develop new guidance and revise very outdated existing guidance. It is also vital to inform the preparation of development briefs for the rezoned housing sites in the Island Plan. That supplementary planning guidance has been on new density standards, revised residential space standards and revised residential parking standards, and development briefs for the 15 rezoned housing sites have also been produced. So, in summary, really it is pressure of work on a small team working on many different fronts has meant that not all work has been completed in the timescale that I would have liked.

4.13.1 Deputy S.Y. Mézec:

Could I ask the Minister if he is aware of any examples of planning applications being made for a development of homes which would otherwise have been caught by policy H6 but where that policy has not been able to be applied because of the lack of supplementary planning guidance produced, which is now over 7 months late?

Deputy J. Renouf:

Yes, I can. Two applications I believe fall into that category. One was the South Hill offices, which has in any case been turned down, and in any case would have been required to provide 15 per cent of houses because it is a States-owned entity. So that one does not really account for this in these terms, although obviously it would have been better if the guidance had been ready. There is one other application that was passed subject to a planning obligation agreement. That was for 61 homes, so it would have triggered across the 50-home threshold, and that would have yielded, were it to have been subject to this, I think something like 9 or 10 homes.

4.13.2 Deputy M. Tadier:

So it is fair to say that because the Minister or his department has not managed to get the supplementary guidance in time we have lost 9 affordable homes that we would have otherwise had?

Deputy J. Renouf:

Yes, that is true.

4.13.3 Deputy M. Tadier:

It is frustrating when a proposition which has been pared back to the very minimum that Government will accept for 15 per cent, and then when the Assembly speaks and the sovereignty of this Assembly is not enacted through circumstances beyond the Assembly's control. What kind of accountability is there? In terms of the Minister going back to his department, which he may say is under-resourced, but will there be any accountability or consequence for the loss of those 9 affordable homes because of what is presumably the department's responsibility?

Deputy J. Renouf:

There are 2 points I would like to make to that. The first is that, yes, the Assembly did ask for that guidance to be brought forward. It also asked for dozens of other pieces of guidance to be brought forward in that Island Plan and, indeed, other work to be done by the department. I have to choose which ones to give the greatest priority to, and I gave some indication in my answer earlier about some of the items that I chose to put the greatest emphasis on. They related to affordable housing sites and to supplementary planning guidance that would apply across all categories of housing. These are difficult decisions to make where you have to choose to prioritise resources and, as I say, I am unhappy that the guidance on this particular area has resulted in one application going through before we were able to do it. The other thing I would say is that I have spoken to officers about this issue and I think the issue that I find most personally embarrassing, I suppose, is that I did say that I would bring it forward previously and was not able to do so. I think there is something of a culture of over-promising and under-delivering. In other words, if the Minister says he wants something, there is a tendency to want to satisfy the Minister, and I have made very, very clear to officers that I want realistic assessments of when things can be done so that I can make proper decisions about what order to do them in and also provide information to this Assembly that is more likely to be met. So that is a conversation that I have had with officers and they, I think, are very well aware of my opinion about that.

4.13.4 Deputy R.J. Ward:

Apart from the ... I changed my question about the design and plan being passed needing supplementary guidance that cannot be delivered, which is a serious issue. But can I ask the Minister: in his answer he did seem to ... we seem to be using the word "minimum" 15 per cent as simply "15 per cent." Can I ask the Minister whether he is clear that what was passed is a minimum of 15 per cent? Is he expecting that to be the actual number every time?

Deputy J. Renouf:

I was not in the Assembly when this was debated but my recollection is that the figure of 15 per cent was the result of pushback from the industry that was concerned that it would not be able to deliver sites at all if there was too high or too great a requirement for affordable housing. Inevitably, this is a tension and we have to try and manage that tension; 15 per cent was the figure that was settled on. I would certainly encourage developers to think of it as a minimum. Whether that is going to be realistically what they feel they are able to do is not something that ultimately I can control.

4.13.5 Deputy R.J. Ward:

I think this is very important that what was passed was the wording, a minimum of 15 per cent. I remember at the time in the debate that many of us said that that 15 per cent minimum would

become 15 per cent full stop. Can I ask the Minister to show some serious leadership in this because that 15 per cent figure needs to be the bare minimum of 15 per cent if we are actually going to address the affordable housing crisis on the Island? So can I please ask him not to water down this minimum 15 per cent and perhaps even look to increase it?

Deputy J. Renouf:

I certainly have no intention of watering it down. As I say, the question of what is brought forward by developers is not something I have direct control over. Leadership does require that I try and balance the different requirements, the different forces in this equation, and we do have to have some regard to what the industry can afford to develop as well as what we would ideally like to be developed. That is a conversation which I will be continually having because it is something which I feel very strongly about. We do need more affordable housing. The final point I would make is that there are different definitions of affordable depending on where you are in your life and so on, and I think we can think about that in terms of the affordability throughout the whole range, not necessarily just houses that fit strict criteria within this particular policy.

4.13.6 Deputy G.P. Southern:

I cannot resist asking this particular question. Where is this site and who is the developer?

Deputy J. Renouf:

I do not think it is a secret. It went to the Planning Committee I think last meeting. Samuel Le Riche House in Plat Douet Road is the house. I do not know the name of the developer. I do not think that is particularly relevant.

4.13.7 Deputy L.V. Feltham:

Given that the Government's stated 3 areas of relentless focus are supporting Islanders with the cost of living, housing, and recruitment and retention, and affordable housing is cited as a key component of all of those areas, why has the implementation of this policy not been prioritised?

Deputy J. Renouf:

The delivery of affordable housing has been prioritised. As I said, it has been prioritised through a number of other supplementary planning guidance and development briefs, which are also vital for affordable housing. In other words, there are many things that we have to do that are vital for the development of affordable housing. There is a long list of them. They are all mandated. The Island Plan gives no guidance on which ones should be the absolute-absolute highest priority. That is for me to work out with officers. Some things have unfortunately taken longer to develop. Some of the consultations have been longer. That has taken up more officer time, and some of them have generated a lot of consultation feedback, all of which is analysed, all of which is responded to, and all of which requires officer time to do it. So, as I say, it is a matter of great regret that we have not been able to get through all of those items to get to this particular piece of supplementary planning guidance before an application went through but, as I have indicated, I very much hope that we will be able to close that gap by the end of this month.

[16:30]

4.13.8 Deputy L.V. Feltham:

Could the Minister provide further clarity as to what exactly has been the blocker to the implementation of this policy and what action he has taken as a Minister in order to mitigate those?

Deputy J. Renouf:

Well, to some extent I have answered that in the sense that there is not a blocker, it is just a question of the workload, but I can give some other indications. Beyond those supplementary planning guides and the rezoned housing sites, we are also looking at action around short-term holiday lets, for example, which is a key part of potentially an area where we can increase housing supply relatively quickly if we can bring houses that have been moved into short-term holiday lets without planning permission. Those are houses that are already built. They have planning permission and they would potentially move straight back into the market. There are potentially several hundred of those, and I note that there are 400 houses available through the rezoned housing sites. So it is of that same order of magnitude of houses. That again, though, requires consultation. It requires sensitivity around potential disruption to an industry and so on. These are complex issues that we work through with a team of relatively small but I must say exceptionally hard-working and dedicated officers, who all understand the need for this. But we do take these things through processes, and I think other Members would be standing up and criticising me just as much were I to try and rush through things without following those due processes. So that is the difficult balancing act that we have to follow.

4.13.9 Deputy S.Y. Mézec:

The Minister said it himself when he used the phrase “overpromise and under-deliver.” So can I ask the Minister how we can feel any confidence that his assurance that this will be done by the end of the month can be taken seriously when that is only 14 days away? Can the Minister confirm that even if he is able to get it done in that timeframe, from what date will this policy be in action and providing those affordable homes? Will he further give a message out to those who are planning to submit planning applications that they should be including that as a minimum 15 per cent but hopefully higher than that from now?

Deputy J. Renouf:

The question about ... I have given the answer that I have given. I have said we will do our very best. I cannot absolutely guarantee. I have temporarily forgotten the second bit that you asked in there, sorry. I beg your pardon.

Deputy S.Y. Mézec:

That was from what date the policy would then be in action.

Deputy J. Renouf:

Yes, sorry, I beg your pardon. Yes, that is not entirely under my control. There is a second aspect to the development of the enactment of policy H6. It does require, from my memory, work from the Minister for Housing and Communities to develop the products that will be available to use with that and I have not checked recently to see what stage that work is at, but I would be happy to update.

Deputy S.Y. Mézec:

He missed the final part of the question which was about whether he would be prepared to send some sort of message to developers who are planning to put planning applications in that they ought to be planning for that policy to come into effect as soon as possible and not submitting applications that do not include that affordable housing contribution.

Deputy J. Renouf:

I think the answer to that question is that even if an application came in in the next month or 2 and the guidance was not there, it would be determined at a point when the guidance was in place. So I cannot see that that would need to be triggered ... that that would be triggered.