

**WRITTEN QUESTION TO THE MINISTER FOR THE ENVIRONMENT
BY DEPUTY M.R. SCOTT OF ST. BRELADE
QUESTION SUBMITTED ON MONDAY 28th NOVEMBER 2022
ANSWER TO BE TABLED ON MONDAY 5th DECEMBER 2022**

Question

“Will the Minister explain –

- (a) why the public consultations on the draft Supplementary Planning Guidance for [‘Housing Outside the built-up area’](#) and for [‘Density’](#) (both dated October 2022) were set for a 6-week period and how this relates to the requirements of Article 3 of the [Planning and Building \(Jersey\) Law 2002](#) for the period in which representations can be made by the public;
- (b) how the proposed limits of 279 square metres (sq.m.) or 3,000 square feet (sq.ft.) gross internal floorspace within the first policy were decided upon;
- (c) why implementation of Recommendation 3.6 of the [St. Brelade Character Appraisal](#) with respect to footprint and height of replacement homes in areas outlined within the [Baseline Report](#) was not proposed in those draft policies;
- (d) what outcomes these policies are intended to achieve and how success is to be measured; and
- (e) whether the public responses to the consultations will be published and whether the States Assembly’s approval of these policies will be sought?”

Answer

- (a) The Government of Jersey consultation code of practice states that significant public consultations should normally last for at least eight weeks. The adoption of supplementary planning guidance is not, however, considered to be a significant public consultation on the basis that it is supplementary to an established policy framework (the bridging Island Plan) which has already been through extensive public consultation and scrutiny. The six-week consultation period is thus considered to be proportionate to the matter under consideration, whilst also responding to the new government’s priority, as expressed in the 100 Day Plan, to introduce controls over the development of large homes.

Article 3 of the Planning and Building (Jersey) Law 2002 has no relevance to consultation on draft supplementary planning guidance. Article 3 specifies publicity requirements for a draft Island Plan. Supplementary planning guidance is prepared and adopted under the auspices of Article 6 of the Planning and Building (Jersey) Law 2002, where there is no specific legal requirement to undertake public consultation, nor any prescribed periods of time for any consultation to be undertaken.

- (b) Both supplementary planning guidance notes seek to introduce a parameter to control the size of new homes developed in Jersey, both within and outside the built-up area.

A threshold of 3,000 sqft gross internal floorspace was identified in the Chief Minister’s 100-Day Plan and, as set out in the draft guidance, is considered to be justifiable on the basis that:

- much of the island’s current need is for smaller homes: Jersey’s Future Housing Needs 2019-2021 report identified a potential shortfall of 2,750 one, two and three-bed

dwellings (both flats and houses), together with a potential surplus of around 70 four- or more bed dwellings, over the report period;

- a dwelling of 279 sqm (or 3,000 sqft), is a substantial structure; over double the floor area of a standard four-bed dwelling¹. Such dwellings are likely to be marketed in the ‘luxury homes’ bracket with a substantial market value;
- housing in Jersey is expensive. The median price of four-bedroom houses sold in the first quarter of 2022 was £1,110,000. This compares with a median price of a 1-bed flat of £332,000 during the same quarter and £600,000 for a 2-bed house. The median weekly household income in 2019/2020 was £790 per week before housing costs which equates to an annual household income of just over £41,000. A four-bed home at the 2022 Q1 median would, therefore, represent 27 times the median annual 2019/2020 household income, well beyond the reach of most islanders;
- the 2021 census indicates that 44.1% of owner-occupied homes in the island were under-occupied where households had two or more bedrooms above the standard required relative to the number of people living in the house. This suggests that larger homes in the island are not being put to optimal or best use, and that better use might be made of the existing stock;
- larger dwellings within the countryside can also have a more significant adverse impact upon the distinctive character, quality, and sensitivity of the landscape, seascape or coastal unit in which they are sited. This impact can be experienced from wider afield as larger development is more likely to appear in longer vistas, especially when any new dwelling has been sited and orientated to maximise views; and
- to make the best use of valuable urban land there is a need to better manage the size of new homes, particularly large homes.

(c) The St. Brelade Character Appraisal formed part of the evidence base for the island plan review. Recommendation 3.6 of the appraisal was one of a number of recommendations focused on discrete areas of St Brelade and which related specifically to the control scale and design of replacement homes.

This recommendation, along with others, has already been considered and given expression, as appropriate, in the planning policy regime applicable to different parts of St Brelade’s Bay including Policy NE3 – Landscape and seascape character; Policy GD7 – Tall buildings; Policy GD8 – Green backdrop zone; and Policy GD9 – Skyline, views and vistas.

Further design guidance for the bay may be prepared as part of the development of the St Brelade’s Bay improvement plan, which could include specific design parameters for different parts of the bay, and is a more appropriate planning tool by which to further consider these issues, if required.

(d) The objectives of the proposed draft supplementary planning guidance are set out in each of the notes.

In summary, the interim policy H2A – Density of residential development in the built-up area, seeks to deliver a positive design-led approach for the provision of new homes in the island’s built-up area to ensure optimum efficiency in the use of land, having regard to minimum standards of density for different parts of the built-up area; and to ensure that new homes are not delivered at a density which exceeds 350 dwellings per hectare. It also seeks to ensure the provision of information to ensure the sustainable management of residential development where it is in excess of 150 dwellings per hectare.

¹ SPG Policy Note 6 ‘A minimum specification for new housing developments’ (1996, updated 2009) set out minimum space standards for new dwellings. The minimum net floor area quoted for four-bed dwellings ranges from 88 - 109 sqm depending upon the number of storeys. This figure is similar to the minimum gross floor areas of four-bed dwellings of between 90 to 130 sqm specified in the UK Government’s statutory guidance paper – Technical housing standards; nationally described space standard 2015. In these figures, the difference between net and gross floor areas is not considered to be significant.

Interim Policy H9A – Large homes outside the built-up area, together with interim policy H2A – Density of residential development in the built-up area, seek to ensure that new homes do not exceed 279 sqm (3,000sqft) gross internal floor area.

The performance of these policies will be assessed relative to the proposed Island Plan performance framework. The draft guidance also sets out requirements to provide information that will be used to monitor various aspects of new residential development relative to these objectives.

- (e) Public responses to consultations are routinely published, together with the Minister's considered response to them, as a matter of course.

As stated above, supplementary planning guidance is prepared and adopted under the auspices of Article 6 of the Planning and Building (Jersey) Law 2002, which empowers the Minister to publish guidelines and policies.

States Members have been engaged and encouraged to offer comment about the draft guidance to which the Minister will have regard before adoption. Similarly, the Minister has directly consulted the Minister for Economic Development, Tourism, Sport and Culture, and the Minister for Housing and Communities, given the relevance of the guidance to their respective portfolios.