

2025.05.13

**2.12 Deputy A.F. Curtis of St. Clement of the Minister for Treasury and Resources regarding the South Hill development (OQ.112/2025):**

Will the Minister, as shareholder representative, advise when she was first made aware that the approved S.o.J.D.C. (States of Jersey Development Company) plans for the South Hill development do not meet the minimum expected dimensions for bathrooms in new dwellings under Building Bye Laws, and will she advise whether she expects S.o.J.D.C. to design their accommodation in accordance with the minimum standards in applicable Planning and Building guidance documents?

**Deputy M.E. Millar of St. John, St. Lawrence and Trinity (The Minister for Treasury and Resources):**

Until Deputy Curtis tabled this oral question I was not aware of the suggestion that the plans for South Hill do not meet the minimum expected dimensions for bathrooms. I do not believe that statement to be wholly accurate. Having since made enquiries and responded to the Deputy's questions, I have been advised that although the plans for South Hill development have been approved, the Building Control Submission, which will set out detailed terms and dimensions, is yet to be submitted and will be fully compliant.

**2.12.1 Deputy A.F. Curtis:**

I am surprised the Minister is not aware. It was 18th March in this sitting I spoke to the Minister for the Environment about the substandard dimensions. The Minister sits in front of the Minister for the Environment. Also briefly, apologies, I would like to correct that the dimensions have been checked by officers from the plans submitted from P/2022/1619. Will the Minister ensure that what is approved and built will meet the applicable planning and building guidance documents, namely both those in building bye law, relating to fire access, wheelchair accessibility, and those in the planning side, including revised space standards for minimum lounge, living, kitchen, dining and bedroom spaces and there will be no non-compliance?

**Deputy M.E. Millar:**

The overall dimensions of the bathrooms at South Hill are identical to other recently built schemes and do, therefore, comply, I am told, with all building control regulations. I am advised that there has been direct communication between Building Control and S.o.J.D.C. that confirms this to be the case. S.o.J.D.C. has confirmed that the final full Building Control application will be made in the next couple of months and will be fully compliant.

**2.12.2 Deputy J. Renouf of St. Brelade:**

Can the Minister state whether she believes it is the role of the shareholder representative to ensure that the States-owned companies do set the standard for others and that the standards set by these companies, in a sense, set the standard for the rest of the sector and it would, in future, be very poor practice were they appearing not to meet those standards.

**Deputy M.E. Millar:**

As I say, I do not accept that there is a lack of compliance. I would like to emphasise again that the States of Jersey Development Company are a professional organisation, who use professional advisers. They are not some fly-by-night, build-it-cheap, sell-it-expensive business. They are there to do the bidding of this Assembly, and they are seeking to do that. The whole notion that they are simply ignoring guidelines and that people would allow them to ignore guidelines is extremely

misplaced. In terms of the process, I believe that significant time and money is spent in preparing a detailed application for which there is a risk of refusal. The detailed application therefore ensures the overall minimum dimensions of each room can fit within the overall apartment shape and then further design development is undertaken during the building control stage, to ensure best use of money and to ensure full compliance. Once the detailed application has been approved, further enquiries and confirmations are obtained to ensure a scheme is fully compliant and the layout is optimised for each department. I have no concerns that S.o.J.D.C. will be building a fully compliant development at South Hill.

### **2.12.3 Deputy J. Renouf:**

It does remain the case that measurements that were submitted as part of the original plans were not compliant. It seems that this is going to be corrected at the building control stage. My original question, in some sense, stands: does she accept that the S.o.J.D.C. and other States-owned entities should represent best practice, should be seen to represent best practice and will she commit to ensuring that that is the case?

### **Deputy M.E. Millar:**

This is a matter of law and regulation, quite apart from what the Assembly asked S.o.J.D.C. to do. Clearly, I am not going to instruct a development that is not compliant and nor are they going to attempt to build one. As I say, I do not accept that they are a non-compliant builder and I have every expectation that they will deliver compliant developments.

### **2.12.4 Deputy T.A. Coles of St. Helier South:**

When the Planning Committee saw the drawings for the now approved South Hill development, the drawings had to be adjusted because some of the flats did not meet the minimum residential space standards at that point. Has the Minister then seen the new drawings that will be submitted as part of the Building Control application and has she done a comparison to the previous one submitted?

### **Deputy M.E. Millar:**

It will probably come as no surprise that the answer is no, I have not. I could not identify the difference between one plan and another. That is not my job. That is why we have architects, designers and engineers and people who understood floor spacing and special layout. There is no point in me looking at plans for a development like that. If the initial plans were non-compliant, as I have said, I think that is because the planning application sets out overall context and measurements, Building Control refines those to make sure that they are compliant with space standard.

### **2.12.5 Deputy T.A. Coles:**

Has she been assured that any new diagrams that are being presented for building controls will be compliant and they should not be refused?

### **Deputy M.E. Millar:**

It appears to me that you cannot necessarily predict a planning process, but I have every confidence that the plans that are submitted will meet guidelines and regulations and it is then up to the Planning Committee whether they then agree with that, but I am quite sure that S.o.J.D.C. will do entirely the right thing.

### **2.12.6 Connétable R.D. Johnson of St. Mary:**

The questions being asked of the Minister are as shareholder representative. Given that this question relates to a planning matter, does she consider that it should be within her brief to deal with such

detailed questions and should perhaps the M.O.U. (memorandum of understanding) chain of command be focused more on the Department of the Environment?

**Deputy M.E. Millar:**

I thank the Constable for his question. Yes, I quite agree. I do not think my job as shareholder representative is to get involved in the operational day-to-day proceedings of each of the 5 entities. That is simply unfeasible. We have professional people running S.o.J.D.C., who use expert advisers. I do not think it is a matter for them or you. It is an operational matter. As shareholder representative, I am there to ensure good governance and financial sustainability and not to interfere in day-to-day operational matters. Policy matters rest elsewhere, possibly with the Minister for Housing. The Minister for the Environment is there to decide on planning matters rather and so he is in a position of conflict. S.o.J.D.C. are here to do what this Assembly tells them to do or asks them to do. I am sure they will do that to the very best of their ability.

#### **2.12.7 The Connétable of St. Mary:**

I thank the Minister for her answer. Given that the purpose of the Minister's role is to ensure that there is Ministerial responsibility rather than just relying on the officers of the entity concerned, if she is not to have that responsibility does she think there should be a different framework whereby the burden of such matters are directed towards another Minister rather than just the company concerned?

**Deputy M.E. Millar:**

I am somewhat confused by the question. In terms of overall policy, in terms of what is being built, that sits to a degree with the Minister for Housing, if they are building homes. In terms of design and approval, that is a matter for Planning. We have planning laws and Building Control, and they have to then design developments that sit within planning. It seems to me that it is the planning system that supervises what S.o.J.D.C. ultimately delivers, in terms of quality of those homes being delivered and whether they meet planning and building control regulations. It makes no sense to hold S.o.J.D.C. to different standards to any other private developer. We have standards and everybody has to comply with them.

#### **2.12.8 Deputy A.F. Curtis:**

I am afraid the Minister, I believe, is misrepresenting what I have done. I have to provide this in context. I know Standing Orders allow me. The bathrooms are 1.26 metres wide by 2.72 metres deep. These were submitted to a building regulation officer. This is not a planning matter. They came back and said: "The example bathroom layout indicated below is significantly ..."

**The Deputy Bailiff:**

Ask your question, not making a speech.

**Deputy A.F. Curtis:**

It is not, Sir, but I need to provide the clarity that only ...

**The Deputy Bailiff:**

The Minister has not seen any of these plans.

**Deputy A.F. Curtis:**

They are public plans, Sir. Okay, very quickly. Given that the Building Control Department came back and said: "The example bathroom layout indicated below is significantly smaller than the minimum standards set out in paragraph 11.3 of technical guidance document 8" and that is a fact

confirmed by the department, will the Minister accept that our S.O.E.s (States-owned entities) are not infallible and engagement with States Members is a valuable way of improving quality and not just defending actions that are currently non-compliant?

**Deputy M.E. Millar:**

I do not accept. Deputy Curtis clearly has information in front of him that I do not. I have not reviewed the plans. I have said that. That is simply not my role and there is utterly no point in me looking at plans because I cannot tell you whether one room is compliant and not another. However, I am assured that S.o.J.D.C. have had communication with Building Control and that there will be a further building application which mean that it will be fully compliant. There are several processes in the iterations, and it will be compliant.