

# STATES OF JERSEY

## Committee of Inquiry Public Meeting

FRIDAY, 25th APRIL 2008

**Panel:**

Mrs. C.E. Canavan (Chairman)

Mr. D.J. Watkins

Mr. P. Kemble

**Witnesses:**

Senator T.J. Le Main (The Minister for Housing)

**Clerk to the Committee:**

Mrs J. Bell-Cook

**Mrs. C.E. Canavan (Chairman):**

You have seen the questions that --

**Senator T.J. Le Main (The Minister for Housing):**

What I have done is -- I have to say I have not got a very good memory going back 6, 7 years. I can remember we had loads of meetings and they were going alongside -- but luckily I keep all my old diaries (I have a box in my office of all my old diaries) so I have gone through as much as I could. What I have done is I have had answers put to your questions. If you would like a copy which would assist you, it might give you the kind of detail you are seeking on the questions you are asking me.

**Mrs. C.E. Canavan:**

Yes, that would be great.

**Senator T.J. Le Main:**

I will get copies if that helps you. I have to say to be very honest with you that the memory does not go back too well all those years ago.

**Mrs. C.E. Canavan:**

Because it is a public hearing we will go through the questions if that is okay.

**Senator T.J. Le Main:**

I am well aware but you are only going to preach to the converted reading that out to me.

**Mrs. C.E. Canavan:**

The process itself, these historic questions are asked for the purpose of moving forward because we have been asked to make recommendations with regard to new processes. You were there at the time which is great from our point of view.

**Senator T.J. Le Main:**

I am not sure if that is right. If I cannot remember too much I am not going to be much use, am I?

**Mrs. C.E. Canavan:**

From your documents you say you had lots of meetings and you were consulted

**Senator T.J. Le Main:**

The questions came, which have been very useful, and I have been able to go through the notes I had in my diaries of those times on the Nigel Quérée committee and I have had some officer assistance with it as well.

**Mrs. C.E. Canavan:**

Do you mind if we go through --

**Senator T.J. Le Main:**

No, I want to assist you as much as I can.

**Mrs. C.E. Canavan:**

Thank you very much. The question was: "You were a Member of the States when the site was rezoned. Can you recall the process that was followed?"

[Your reply is:]

"The site emerged from the Island Plan review process which preceded the current Island Plan 2002. The site was one of 15 sites originally proposed to be rezoned for Category A housing in the Draft Annual Plan. Sites were selected following comprehensive site evaluation processes detailed in the consultation draft."

Question on that: you can remember being consulted as a Housing Minister?

**Senator T.J. Le Main:**

Absolutely [as] I specifically asked to go on the planning committee at that time because I was the Housing President and felt I could have been useful to have an input into the planning process. Nigel Quérée agreed that it would be useful and I became a member.

**Mrs. C.E. Canavan:**

[Your reply is:]

"[This was] followed by extensive public consultation which included public meetings in every parish hall and the review by Professor McAuslan. Sites proposed were reduced to 11 as part of the final draft plan. Site was zoned for Category A housing by the States as part of the Island Plan in July 2002."

The question was: "What information was provided to States Members?"

[Your reply is]

"States Members were invited to a presentation of the consultation Draft Island Plan on 24th May 2001. They also received copies of the consultation draft plan which included details about the proposed sites. States Members also had copies of the consultation draft summary leaflet which was distributed in June 2001 which focused heavily on the proposed Category A housing sites. States Members had the opportunity to attend the public exhibitions and to attend one or more of the 12 public meetings held in the parish as part of the consultation process. I cannot be certain but I believe States Members received copies of Professor McAuslan's report and the P&E committee response which was published in November 2001. They would have been aware of it in the media coverage."

From what you can recall and what you say, the States Members had ample opportunity to --

**Senator T.J. Le Main:**

There was loads of opportunity and they had huge media coverage at that time as well. It was every night there was something about these meetings held at various parish halls for a considerable amount of time.

**Mrs. C.E. Canavan:**

Question: "Do you think the rezoning process was satisfactory?"

[Your reply is]:

"I do for the following reasons: it was informed by a comprehensive site evaluation process which was based on a sound spatial strategy which sought to ensure new development. [It was] integrated with the existing built up area which would not encroach into the open countryside [and] could use land efficiently. Would have a high level of accessibility with opportunities to use alternative and more sustainable forms of transport to the private car to the private car for journeys to work and community services (walking, cycling [and] public transport). Would generally minimise as far as possible damaging environmental impacts especially on the most sensitive environmental areas and provide opportunities for introducing benefits to the environment and community life. It would not be unduly impacted by site constraints, e.g. vehicular access, infrastructure constraints and drainage constraints. On the recommendation of Professor McAuslan an additional factor was added to the site selection process to ensure a more equitable distribution of sites."

That is a question we came up with yesterday. Are you happy the recommendations that McAuslan made were taken into account?

**Senator T.J. Le Main:**

I was very happy and I could see the location of that site as a properly constructed little village with all the facilities close by. In fact, we had other sites by which we discounted because we felt this one -- we went on sites at least once; perhaps twice.

**Mr. D.J. Watkins:**

Can I ask how much information you had on site constraints because a lot of problems with this site i.e. flooding and noise and traffic? There are constraints on --

**Senator T.J. Le Main:**

Normally the -- once a site is -- comes up for recommendation then of course you get T.T.S. (Transport and Technical Services) and other interested departments that will advise the department or the officers and the committee at that time that any issues in relation to flooding, traffic, schools, are able to be catered for and in one or 2 cases I can recollect as being on the planning committee, not only on rezoned sites but other development sites or potential development sites, it was quite clear that if the T.T.S. public services of the day and others had reservations about traffic on to the roads, impacts of flooding or anything else, then they would have taken serious consideration and invariably are not approved.

**Mr. D.J. Watkins:**

That was all done before the Island Plan was published?

**Senator T.J. Le Main:**

Yes. When they are put forward then they have to go to the various departments for recommendation or to advise the planners whether there are any specific difficulties arising from developing that particular site.

**Mrs. C.E. Canavan:**

Another reason you think the process was satisfactory was because: “Detailed technical and planning feasibility studies were carried out for all sites that were rezoned.”

**Senator T.J. Le Main:**

[I have covered that in] just what I have said now, yes.

**Mrs. C.E. Canavan:**

[You said]:

“The process was open and transparent and the subject of extensive public consultation and independent review. The sites were rezoned in a democratic manner after a States debate.”

Can you recall from the debate -- was there a debate about each particular site or did they go through --

**Senator T.J. Le Main:**

No, I think it all went in one if I remember rightly. I think the whole lot -- all the sites were put together and I would have -- if I remember rightly Members were entitled to speak on each individual site and I cannot recollect at this time anyone in the Assembly at that time specifically not supporting the particular sites. I am not going to say for sure that there had not been some comments perhaps on flooding but I cannot recollect anyone vigorously opposing but I think the debate went 30-somewhat to a few against generally but that is a long time ago.

**Mrs. C.E. Canavan:**

The question was: “At the time of the rezoning debate, did the Housing Committee at the time agree the tenure split should be 55 per cent first-time buyers and 45 per cent for social rental?”

[Your reply was]:

“In May 2004 the Planning and Environment Committee sought States approval to introduce planning obligations into the Island Planning (Jersey) Law 1964 so that it could secure the Island’s objectives of social housing provision as well as first-time buyer provision on sites to be rezoned for Category A housing to be subsequently developed by the private sector. States agreed this in June 2002 (34 in favour and none against) on the understanding that all the sites zoned in the plan would be required to provide an equitable proportion of social rented homes in addition to first-time buyer homes. This decision led to the P&E committee putting forward an amendment to its report and proposition for the Island Plan requiring the provision of first-time buyer homes and social rented homes on H2 sites in the respective portions of 55 per cent and 45 per cent.”

**Senator T.J. Le Main:**

This came out of an idea or proposal from Senator Ozouf in regard to -- we were having difficulty in being able to achieve any social rented homes particularly after the 99 rezoning proposals. Only one home was ever achieved on all the sites and the developers just did not want to provide any social rented homes and we needed somewhat affordable prices and in -- this idea generated from Senator Ozouf who had a fairly good mind on this kind of proportion and planning obligations and this is how it came. With his planning obligations in place after the States approval, it has provided affordable homes on rezoned sites, 45 per cent, which have been very successful.

**Mrs. C.E. Canavan:**

[The] question was: “Your department has received the usual letters requesting comments on the various proposed schemes. Have you been happy with the schemes as far as the number and type of houses are concerned?” That question was asked because the schemes obviously changed --

**Senator T.J. Le Main:**

We have been fully consulted all the time. I questioned the department again yesterday morning and they have a brilliant working relationship with planning officers on all social planning issues and they have fully been consulted at all times.

**Mrs. C.E. Canavan:**

Can I ask one question from that: the original development brief suggested there should be a split between houses and apartments which obviously you were happy with at the time?

**Senator T.J. Le Main:**

All sides change after a while and I cannot recollect where those -- I think they were going to be sheltered homes, those apartments. I cannot remember exactly where they got lost along the scheme somewhere but certainly at that time my department would not have been too concerned about that because we were -- they were proposing they have 140 units or so which we thought was going to make a huge impact into providing homes, not only for rental but for first-time buyers so we -- it would have come to me or my committee at that time and I would have welcomed a huge contribution like that into the housing market.

**Mrs. C.E. Canavan:**

Apart from what you just said your reply is:

“Department was consulted and contributed to the development briefs for each of the sites in relation to the preferred split of housing types and to the draft supplementary guidance which informed the development briefs which covered various minimum housing standards relating to floor and room size, parking provision, garden size, open space provision. The department was also asked to comment on the various schemes proposed”

[That was your response] which you have just confirmed again.

“And [the department was asked] to suggest modifications.”

So, did you do that and were the modifications taken on board?

**Senator T.J. Le Main:**

That is a departmental -- that is an officer -- department -- what do you call it? They would have been working, as I say, with the planning department and planning officers. Then we would normally get back a feedback at committee meetings in those days where the officers would show us various plans or alterations and it would have gone through to the Housing Committee and I presume the Planning Committee -- if I can remember rightly, we have the same kind of issues. The various schemes -- as I say, we were looking at trying to maximise as many units Island-wide over the 11 sites of the various changes that would have been approved for various kinds of reasons by the 2 departments would have met with our approval. We are not experts, you see, in the planner's easel. We have to be guided by the people that we employ as professionals.

**Mrs. C.E. Canavan:**

Going back to something you have said there that made me think of the number of houses. There is the question of whether the Island Plan -- it said 97. At the time, did you think it was 97 and no more or did you think ...

**Senator T.J. Le Main:**

When these figures were bandied about on all the sites, there was a fairly round figure put in; it was an estimation of how many they could get on a site but subject, to course that the planners would look at the kind of homes going on the sites and various other issues. We were well aware that some of these sites could have taken more capacity on those sites but they were put -- in fact, I think that was an error by putting a figure in my view on any site; saying it is estimated 97 when you could have got more or it could have been too high; you could have had less. But it is probably an error at that time. I do not think one should have put any figures on it at all.

**Mr. P. Kemble:**

Can I just say that at some stage you do need to have some figures to be able to plan forward, do you not?

**Senator T.J. Le Main:**

Not at all, no [I don't]. I am the housing department and I would like -- I wanted sites rezoned. Now, whether -- to meet the current need at that time; there was a current need at that time as there is now. If I could not get 140 on that site and it was 100, I would have accepted 100. If we did not have enough at the end of the day then we would have had to rezone some more land; simple as that.

**Mr. P. Kemble:**

Which is the current situation?

**Senator T.J. Le Main:**

Absolutely, yes [it is]. I would not have -- if they had come to me and said: "Look, it is only 97 we can get on this site" I would not have opposed that because I am not a planner and if it came to me as Housing President at that time, we could only get 97, that is fine. I was happy with the site being redeveloped. When I first went on planning I made it quite clear to Nigel Quérée as Housing President that I would not put up with development anywhere at any cost. There had to be sustainable development and it had to be development that was satisfactory to the constables and to the parishioners in all the parishes and I have the same view now. Although I am fairly -- I need sheltered housing and I need first-time buyer housing, I am not prepared to override the majority of parishioners and constables. I want to work with them and I have been of that ever since I spoke to Nigel Quérée and Alastair Layzell who was the vice-president and that was my view; I would not overrule or overcome large parochial opposition.

**Mrs. C.E. Canavan:**

Can you recall that? Obviously since the land has been rezoned and the applications have gone in, there has been a lot of talk in the parish about the site. Can you remember if there was much before the rezoning?

**Senator T.J. Le Main:**

I cannot remember any real opposition. It is only since young Mr. Le Fondre on my left here and Deputy Mezbourian and others came on to the scene, they started raising issues, but I cannot recollect even before that the parochial deputies or the constables raising any objections at the time. They may have showed some concern but I cannot recollect and it is only when -- in recent times that it all blew up with residents and issues and -- but I might be wrong, but I cannot recollect any large opposition at that time. Had it been the kind of opposition that has been raised since Dandara started constructing I am pretty sure that I probably would have said: "Do not develop the site. Let us go somewhere else where we are going to meet ..."

**Mrs. C.E. Canavan:**

Then you carry on [in your response]:

“For the original application for 140 homes at the Bel Royal site the housing department was very supportive given the significant contribution to meeting the Island Plan objectives for the provision of Category A homes. The department comments on subsequent were primarily about restricting future occupancy to persons qualifying under Regulation 1(1) (a)-(h).” The next question was: “In the original development brief it was stating that the housing department’s preferred housing type would comprise a mixture of apartments and terraced houses. There are no apartments.”

We have talked about that.

[You continue]

“The development brief was produced to provide guidance as to how the site might develop. As the question implies the housing department did provide advice on the mix of house types when the brief was being put together. It has to be recognised that although development briefs do provide valuable guidance to inform the design and development process circumstances change over the time and the requirements and recommendations and development briefs are often modified by negotiation and discussion through the design process when new information and new ideas come to light.”

Then you confirm what you have just said:

“There are close links between housing and planning”.

**Senator T.J. Le Main:**

Yes. There is changing need all the time as well and it took a long time to come to a conclusion. As I say, I was really interested in getting the site developed and when the decision was made (I cannot recollect when the decision was made) not to pursue with the flats, it was on the basis that we had a very strong need for 3 or 4 bedroom houses and whatever.

**Mrs. C.E. Canavan:**

That is what you confirm [in your response] as:

“The critical requirement for homes as seen by the housing department the committee at the time of the proposals for 129 and the later scheme for 102 was to provide a predominance of larger family homes. During that period it must be recognised that the housing market was seeing an overprovision of flats.”

**Senator T.J. Le Main:**

The only thing I cannot recollect about the flats, I thought at one stage we were discussing that the flats would be for elderly people and I cannot recollect. At one stage I am pretty sure the flats we were considering were for sheltered which has proven again now I think that there is a need for some kind of sheltered accommodation south of St. Lawrence. Had that argument been made that we desperately needed those apartments for sheltered accommodation then I am sure that would have been considered.

**Mrs. C.E. Canavan:**

The question of the sheltered houses was the next one we asked you. I think you have answered that one.

**Senator T.J. Le Main:**

Yes.

**Mrs. C.E. Canavan:**

If we move on to the Homebuy Scheme the question we asked was: “If the Homebuy Scheme is approved by the States there might be no properties for rent on that site. Would this suit the present

housing needs?”

You have answered that: “This really is something for the housing department to comment on. Times have changed since the plan was approved in 2002; so has the housing situation. There is evidence of demand for affordable first-time buyer homes and the States have reassessed its commitment to increase the level of home ownership. Clearly first-time buyers are hampered by recent rises in housing costs and limitations of supply as well as many other things. The demand for new rental homes has also changed since 2002 and a new approach to provision (the Social Housing Property Plan) has been agreed by the States. I feel that the inclusion of a proportion of Jersey Homebuy type homes as opposed to the original idea of social rented homes will suit the present housing needs.”

You said earlier that because of Senator Ozouf’s idea you got the rented houses that you wanted.

**Senator T.J. Le Main:**

Since then the issue has changed dramatically. The waiting list for social rented housing is about 18 at the moment and the need is dramatically reduced. Predominantly with some of the other H2 sites; there are 3 H2 sites left and the remaining ones that have been completed now are producing the 45 per cent of those which will meet the current need. Of course, as you are well aware, the housing department are selling off 3 bedroom homes to tenants to create more home ownership. We have got a very low home ownership on the Island; it was down about 52 per cent. It has risen to about 60 per cent but in Guernsey and everywhere else it is 70, 80 per cent. We have not got a need now for social rented housing but the other issue I must say to you, that like the Jersey Homes Trust, for instance, are halfway through some of their mortgage repayments, and are starting to accumulate large amounts of cash and they have in their mandate to provide in future more social rented homes if need be. So, there is an opportunity there, and with future rezoned sites in the future if the need arises, to -- that provision will remain in the planning obligations; that we can in future need 20 homes and when a site is rezoned we would say: “Right, that 45 per cent has to be --” but there is huge opportunity now to have a provision in place for rented 3 bedroom homes. So, that has gone away at the moment and we are very keen to see what we call intermediate buyers and I know there is about at least 300-400 disabled children on this Island where parents or one parent is predominantly looking after that child where there is only one owner in the family. Some of these people are not being given an opportunity with a lowish income of £40-50,000, but because there is one earner not to purchase a home. We [would like to] to target those [people] and we want to target also people that we are trying to send to the U.K. (United Kingdom); young graduates who go away, come back [and] get married. We want to be able to target those into the intermediate housing and give some opportunity to those people to be homeowners. The Homebuy Scheme fits ideally in that vision.

**Mrs. C.E. Canavan:**

Next question was: “Can you summarise the latest figures with regard to housing needs?” and you say that you are still awaiting the results.

**Senator T.J. Le Main:**

I have got the results but I can tell you it confirms everything we have been saying. I cannot give them to you without being -- we have only had them confidentially given but everything that the housing department and I have been saying is quite clear that there is a great need out in the marketplace for all kinds of housing at the moment, yes.

**Mrs. C.E. Canavan:**

So, you are happy that going forward you have the flexibility now so if, at the time of a new development, the market is more --



**Senator T.J. Le Main:**

Once we get this Homebuy Scheme approved by the States on these 3 sites -- there are 73 sites at the moment; a lot of remaining H2 sites. But the Planning Minister will be looking at -- we have been working very hard with the Planning Minister for future rezoning; that we will have more flexibility and [to] be able to be flexible on this 45 per cent by the Homebuyer, social rented or otherwise, or sheltered lifetime homes. We are also looking at the moment on predominantly, which I hope the policy will come out very soon, that private developers in the private sector, like they do in London (in fact, we are probably going to go to London to look at the issues) that some of the developments that have taken place on the Island should provide off those sites or off other commercial sites some kind of first-time buyer affordable homes and we feel at the moment that there has been too many opportunities missed in the town areas by allowing developers to develop huge sites and not provide out of those sites some kind of affordable in perpetuity conditions, apartments or houses and what have you. So, that has been seriously looked at and there has been some serious discussions taking place in the last couple of weeks. I am rather hoping we can aim towards the town areas and make some of the developers contribute to the need for affordable homes.

**Mrs. C.E. Canavan:**

[Do you have] any questions?

**Mr. P. Kemble:**

I think my own comment really is how does one classify an affordable home in this kind of situation?

**Senator T.J. Le Main:**

An affordable home is -- you take a Homebuy Scheme and the housing department would be the gateway so people would apply to us and we would -- if you take 1999 when they rezoned sites, we had first-time buyers there earning in excess of £100,000; single people in the finance industry who bought quite a few properties at the back of Five Oaks behind the pub. We were quite upset about that because we were building and rezoning land, not for single people on this Island. We wanted to go to families with children and we fell down on that and we had no legal right to say to a single person you could not buy it. These single people earning huge salaries were buying some of these homes up and taking in lodgers and what have you and denying, in my view, the real need we were trying to target. So, we changed that and anything that the States have developed we tried to put in families but we still have not achieved that properly yet and we have not been able to legally overcome that hurdle. But the gateway will be a family will apply to housing for these Homebuy Schemes and housing will assess their income and if they would not normally be able to afford a first-time buyer at the full market fair social housing price, but could afford perhaps £250 or £260 on the income they have. We would look at their family situation. I have had several families really distraught over the years that have a child or so (mentally incapacitated, special needs, what have you) and mothers have to stay at home. The father is working his butt off and will always end up in social housing if we cannot give him a leg up and this is one way of being able to give a leg up to people in real difficulty. The gateway will be there for all to see and we believe the criteria will be absolutely spot on for those people. Sorry I am not able to be more helpful. As I say, I have had to spend quite a bit of time going back through diaries but when you get nearly 70 you get ...

**Mrs. C.E. Canavan:**

No, that has been very helpful. Thank you very much.

**Senator T.J. Le Main:**

Thank you very much. If you need to come back to me with any questions, I am more than happy.

**Mrs. C.E. Canavan:**

Thank you.