

Government of Jersey
Union Street | St Helier | Jersey | JE2 3DN

Deputy Hilary Jeune
Chair, Environment, Housing and Infrastructure Panel

BY EMAIL

15th April 2025

Dear Chair,

RE: Follow-up questions from the Quarterly Public Hearing on 26th March 2025

Thank you for your letter dated 3rd April 2025 regarding a follow up from the Quarterly Public Hearing.

Please find the different areas from your letter addressed below.

Ramsar Sites

- 1. Beyond acting as a “critical friend” what mechanisms are in place to ensure JRAG effectively holds the Government accountable for its Ramsar obligations?**

This role is set out within their terms of reference as agreed by me. While no statutory structure exists it is felt by both parties that what is in place is sufficient.

- 2. Has the Natural Environment Ramsar Working Group been set-up yet? If not, when can we expect this?**

Yes, the group (The Jersey Ramsar Management Authority) is established and has held two meetings to date, most Recently on 31/01/25.

- 3. Please may you confirm how many reported incidents of pollution have been submitted to Ramsar to date?**

Zero outside of regular RIS reporting that in some years included sections on this. In any case all reports would be to the UK (Defra) not to Ramsar direct.

Tree Protection

- 1. Minister, in our last hearing you confirmed that a review of the criteria by which trees are assessed to be listed was underway and due to be considered by you early in the new year. Can you provide an update on this?**

Unfortunately, this work has not progressed owing to competing priorities.

- 2. Have you begun testing the listing criteria with stakeholders yet? If not, when is that expected?**

No. It is hoped that this work will be progressed as soon as resources become available to take this work forward. A definitive timescale cannot be provided on this currently.

a) And what timeframe are you working towards for implementation?

The review of the listing criteria is one part of the work required to be undertaken to review the operation of the tree listing regime. Further work is required to develop a policy to set out how this tool might be used. It is unrealistic that all trees in the island can be listed, and a policy is required to be developed to set out the basis of its operation.

It is hoped that this work can be undertaken during 2025. This is, however, dependent upon the availability of resources and capacity to be able to make progress, relative to other priorities.

3. What consideration, if any, has been given to the necessary resources for operating an effective tree-protection process?

The development of an operational policy for the protection of trees, through the use of listing powers, will need to include a consideration of the resources required to implement it.

4. Please can you provide an update on the work being undertaken by the Tree and Hedgerow Advisory Board? And whether you have attended any meetings of the Board yourself?

I have not attended any meetings, but two meetings were held with external parties on the initial setup. We have since distilled the workstreams proposed in the strategy and are reviewing against a new and wider tree framework to determine resource requirements – with current restrictions on the use of consultants and recruitment this is likely to be slow. To this end though, we have created an officer group designed to take work forward on behalf of government and create and use contacts in the tree board and further afield.

Planning Reform Review

1. In your response to Deputy Gardiner's written question (WQ.94/2025) you confirmed that the review of building by-laws will consider the policy regarding home design for an aging population, please can you confirm what will be considered beyond incorporating features that will enable occupants to cope better with reducing mobility and to stay put' longer in their own homes?

The review initially is of the Approved Technical Guidance documents. Detail work on reviewing these documents has commenced, but it is too early to say which specific features or measures will be considered, as engagement with stakeholders is currently being planned that will no doubt influence the updating of the technical guidance, as is a thorough review of technical documents adopted in the UK, and possibly elsewhere.

2. Can you update the panel on the timeline for the building by-laws review?

The project commenced in late 2025, review of technical documents and industry engagement will take place through the course of this year, with project completion being planned for Q2 of 2026.

3. Can you provide an update on the Planning Reform Review, specifically regarding who has been consulted so far and how their feedback has shaped the review process?

As set out in my [Planning Services Focus report](#) (June 2024), there are various workstreams that are either underway or proposed to improve the island's planning service, in accord with the Government's strategic priority.

I am delighted to report that great strides have already been made in ensuring a more efficient and effective planning system for our Island, as can be seen from the details set out the planning performance data for 2024, published in February (see: [Planning Performance 2024](#)).

This has included strengthening collaboration with industry stakeholders, and the ongoing dialogue and regular feedback from the newly established Industry Partnership Board ensures that our services can be adapted in response to the needs of the customer.

a) Can you outline the key legislative changes you are considering as part of the reform?

My Planning Services Focus report (June 2024) identifies the work that is proposed to be undertaken to explore changes to permitted development rights; and to review the island plan production process.

In addition to this, I also propose to review the appeals process.

The specific proposals for change to the planning legal framework in all of these areas are currently being developed.

b) You have identified a review of the General Development Order as part of this work. What aspects of the GDO are being reviewed?

As stated above, the specific proposals for change are currently being developed.

Consideration will, however, be given to the potential for change to reduce the need for planning permission for work undertaken by householders; and the potential to enhance permitted development rights for business may also be explored as part of this work.

c) Can you provide examples of any unintended consequences you have encountered or are anticipating encountering as part of the review?

An assessment of risk will form part of consideration of the changes that are proposed to be made to the General Development (Jersey) Order to identify, as far as possible, the consequences of change.

Any proposed change will also be the subject of consultation with industry stakeholders and the wider public. This affords a wider opportunity for the consequences of change to be identified and considered.

4. Given the potential influence of lobbying on planning decisions, how does the review ensure that planning reforms serve the public interest rather than the interests of specific stakeholders?

The regulation of development activity, through the planning system, is a qualified interference in the private rights to property that is exercised in the public interest. Any change to the thresholds at which planning permission is required will always be a balance between public and private interests.

Proposed change to permitted development rights will be the subject of consultation and will invite views from a broad range of stakeholders and the wider public, thus embracing those with specific and general interests.

The cost, speed and efficiency of the island's planning service is also of both public and private interest.

5. Please can you provide an update on the roll-out of the Customer Charter?

The Customer Charter was published in August 2024, and it was announced, with a link provided, in monthly Planning Services newsletter that has over 140 subscribers.

a) Who was consulted on the Charter?

There was no industry consultation on the Charter.

b) Has feedback been collected since its implementation?

Feedback on service provision is through the formal Government of Jersey "Rate our Services" channel. Work is in train to revisit and refine the Charter through the Industry Partnership Board that meets every two months.

c) Will this feedback be actioned into further refinements?

Yes, the Charter will be periodically updated to ensure it remains fit for purpose and keeps track of changes to procedures and working practices.

d) How is success of the Charter being measured?

The Regulation Directorate has a Customer Working Group that reviews comments and complaints regarding all Regulation services on a quarterly basis. Customer feedback for the Development and Land Service recently received is nearing 90% positive.

6. In response to a written question in the States Assembly last week, you stated that while there is no legal obligation to consult on changes to supplementary planning guidance, it is custom and practice to do so when significant revisions are proposed. What criteria are used to assess whether a consultation is necessary?

There are no specific criteria that are used to assess whether consultation is required for a change to guidance but matters such as whether the proposed changes are significant in terms of scale and application might be part of the consideration.

In the case of the most recent changes to guidance, it was my judgement that these were minor changes to existing guidance and did not, therefore, warrant wider consultation at this time.

7. What is the involvement of the Industry Partnership Board in the reform decision-making process?

Recognising the value of the Industry Partnership Board, I am committed to maintaining and enhancing its role. The board's work in facilitating dialogue between the planning department and industry stakeholders will ensure ongoing collaboration, sharing of best practices, and alignment of industry and planning objectives, all contributing to a more cohesive and effective planning process.

The board is attended by the Head of Place and Spatial Planning, and the Board has been briefed on the activities and timelines of the wider planning services reform programme. The Board has expressed an interest to be involved in the process before and during the engagement and consultation phases of the programme and consideration is currently being given on how this can be best accommodated.

8. Please can you confirm what organisations or industries are represented within the Board?

The current Board is made up of representatives from the Chamber of Commerce, Andium Homes, Jersey Development Company, Association of Jersey Architects, Jersey Construction Council, and independent developer (Le Masurier), Jersey Business, an independent agent (Steedman Planning) and the Royal Jersey Agricultural & Horticultural Society.

a) Do you believe it is diverse enough?

Yes, I believe the Board represents a broad spectrum of interest groups with a large reach across the island.

9. In response to Deputy Renouf's question (OQ.245/2024) regarding planning permit time limits, Minister you acknowledged the issue of developments being "land banked" through minimal work to trigger planning permissions and indicated that you would consider the matter further. Can you provide an update on the steps you have taken or plan to take to address this concern?

At this time no specific steps have been taken, but there is an opportunity, through the upcoming Island Plan Review to compile a list of sites, and under powers afforded to me by Article 6 of the Law to issuing some form of general policy, or site-specific guidance, relating to such sites.

I intend to ask for a list to be compiled in the coming months, which will allow me to consider how I might respond, based on the extent of the problem, or the nature of sites and permissions involved, through either guidelines or policies or as part of next Island Plan review.

10. Will you consider any changes to the enforcement of Article 26 or related policies to ensure that planning permissions are not hoarded and that stalled developments are brought forward to meet housing demand?

At this time, I am not considering any specific changes to the powers afforded by this Article, and I am confident that any sites where there may be concerns about "land banking" can be progressed by the Department under their business as usual processes, if brought to the attention of the Chief Officer or the Planning Committee.

11. Can you provide an update on the progress made with implementing the "right-sizing" initiative as outlined in Policy H5 of the Bridging Island Plan, and what steps have been taken to encourage older homeowners to move to more appropriately sized accommodation?

Policy H5 specifically deals with the development of sites for affordable homes. The enablement of 'right-sizing' on these sites is supported through the briefs for their development, which encourages the provision of a mix of homes, including smaller units of accommodation, that might enable downsizing.

More generally, BIP Policy H4 – Meeting housing needs requires that residential developments of five or more dwellings should, in particular, include a proportion of smaller homes to encourage and enable 'right-sizing, where appropriate.

The planning systems ability to encourage right-sizing is largely limited to ensuring that homes of the right form and size are provided as part of the housing supply. This is complemented by the [Right-sizing Policy from the Minister for Housing](#), published in May 2024.

12. Minister, given the Minister for Housing's comments in our last hearing regarding Policy H6 and its potential for stronger thresholds and higher contributions to affordable housing, can you provide your perspective on the current formulation of H6?

The current thresholds for the operation of Policy H6 - Making more homes affordable, is set for development proposals involving the creation of 50 or more new dwellings where at least 15% of the development is required to be made available for sale or occupation by islanders eligible for assisted purchase housing.

On this basis, this policy currently only applies to the development of larger private residential schemes. Since it has come in to effect, we have issued approvals for four schemes and only one of these – the proposed redevelopment of South Hill – is currently being implemented.

Whilst I am not aware as to why the other schemes have yet to progress to implementation, I would be concerned to ensure that any change to the H6 parameters did not undermine the viability of future development proposals proceeding to implementation within the current difficult climate for the development industry.

If there is any further information that you require, then please do get in contact.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Luce', with a long horizontal line extending to the right.

Deputy Steve Luce
Minister for the Environment