

To: Minister for the Environment

10 November 2023  
Head of Place and Spatial Planning  
Place and Spatial Planning, Cabinet Office

## **Supplementary planning guidance: development briefs AFFORDABLE HOUSING SITES**

### **Purpose**

1. To consider the outcome from consultation about draft development briefs for the rezoned affordable housing sites in the bridging Island Plan with a view to publication of a response to it; and the amendment and adoption of revised development briefs.

### **Timing**

2. Draft development briefs for all 15 rezoned affordable housing sites were issued for consultation between May and June 2023.
3. It was considered important to review, consult upon and issue revised guidance on Density standards; Residential space standards; and Residential parking standards before the issuing of this guidance, as these factors are of critical importance to the design of new homes. All of this guidance has now been reviewed and issued.
4. Revised guidance should be issued as soon as possible in order to enable the planning process for the development of rezoned affordable housing sites to continue.

### **Recommendations**

5. That you:
  - a. note the consultation feedback and endorse the analysis and proposed response to it, as set out at appendix 1;
  - b. note the key issues raised and endorse the proposed changes to draft development briefs;
  - c. endorse the revised development briefs, as set out at appendix 2; and authorise their publication in order that they might become material to the planning process.

## Background

6. Supplementary planning guidance in the form of draft development briefs, has been prepared to support the positive development of sites rezoned for the provision of affordable homes under Policy H5 of the bridging Island Plan.
7. Draft development briefs were issued together, as a draft for consultation, to guide the development of affordable homes on these sites, as required by Policy H5.

## Consultation

8. Consultation was undertaken between 15 May and 23 April 2023 for six weeks, with the consultation extended informally for a further two weeks for receipt of late comments.
  - the draft guidance was published online.
  - direct approaches for comment was also made to a range of stakeholders, with the offer of a specific meeting, if requested.
  - consultation feedback was invited in writing, by email or letter.


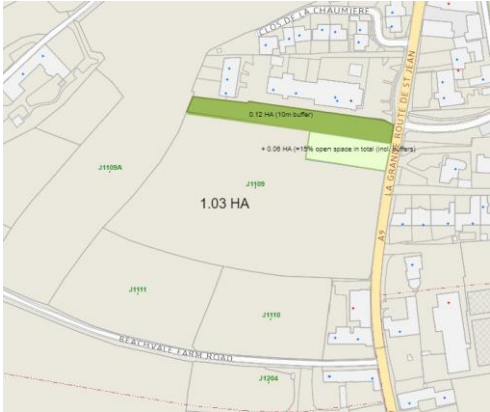
### Consultation feedback: extent

9. 37 written submissions were received.
10. There were no 'late' comments.
11. Consultation feedback was received from a range of stakeholders including parish authorities and other parish bodies, social housing providers, developers and their agents; and people living near to the sites:

### Consultation feedback: detail and analysis

12. All comments have been collated, reviewed and analysed relative to the issues raised whether they are general, or specific to sites.
13. Appendix 1 sets out the issues of concern to those responding to the consultation, together with a draft response to all of the matters raised.
14. The response includes an outline of the potential for changes to be made to the draft guidance, before adoption and publication. These are denoted as 'changes' in the response.
15. The key issues – both site-specific and general - have been identified and summarised below together with a considered response to the issues raised and proposed changes to the draft guidance, as follows:

Part 1: Site- specific issues		
Site	Key issue	Proposed response/change
H5 (1): Field J1109, La Grande Route de St. Jean, St John	Open space Resistance to proposed provision of 20m landscaping buffers along northern and western boundaries to; <ul style="list-style-type: none"> <li>• mitigate impact on adj bat roost</li> <li>• mitigate impact on setting of listed bldg.</li> <li>• provide community open space facility.</li> </ul>	Change The guidance states that up to one third of the site should be provided to deal with the specific challenges and constraints of the site related to the need to (1) provide a larger area of public open space (above the 10% normally required); (2) mitigate the impact of the development upon the setting of the

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	<p>As this would reduce developable area by 33% (from 1.2 ha to 0.8 ha, and reduce yield (from 42 to 28)).</p>  <p>Evidence about reqt for bat roost mitigation disputed in terms of necessity of western buffer (field to west provides corridor); and also depth of northern buffer. Developer proposing 10m northern buffer.</p> <p>Proposal for open space provision to be limited to 15% (i.e. 0.18 HA (total); leaving developable area of just over 1 HA).</p>  <p><i>Illustrative of areas only: not an actual design</i></p>	<p>adjacent listed building; and (3) mitigate the impact of the development upon the adjacent bat roost of the rare Grey long-eared bat.</p> <p>The development brief does not set a definitive minimum requirement in terms of the space to be provided but, instead, sets out an indication of the potential scale of this facility. What is most important is that the facility is well-designed and integral to the development of the site and the wider Sion Village.</p> <p>The extent, form and design of open space should be the subject of engagement and consultation with community stakeholders as part of pre-application discussion required under the auspices of Policy GD2 – Community participation in large-scale development proposals.</p> <p>The undertaking of bat surveys is noted and welcomed. No evidence has yet to be provided, however, in terms of bat survey data, which might reduce the level of mitigation (in the form of buffers and corridors) required. The guidance will, however, remain flexible such that the extent of area might be reduced where evidence supports its potential reduction.</p> <p>In addition, further clarification has been made to indicate that there may be potential to incorporate the required children’s play space; together with the public open space within the area required for the buffers/corridors, where it is located such that its impact is reduced and where it is designed to be sympathetic to wildlife.</p>
	<p>Future management of communal spaces</p> <p>A number of requests have been made that this issue is addressed in the brief: legacy of lack of arrangements for Sion Close.</p> <p>Potential for PoSJ to adopt some elements.</p>	<p>Change</p> <p>Add reference to the guidance to require the use of planning obligation agreements to ensure the long-term management and maintenance of all communal aspects of developments, over which residents have a say.</p>
	<p>Treatment of boundaries – southern and eastern</p> <p>Issues raised about comprehensiveness and clarity for treatment of these boundaries.</p>	<p>Change</p> <ul style="list-style-type: none"> <li>• Add reference to the hedge line along the southern boundary to be retained and strengthened.</li> <li>• Clarify treatment of eastern boundary</li> </ul>

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SITE: H5 (2): Field J229, La Route du Nord, St John	<p>Housing type: age-restricted housing</p> <p>The site was originally proposed, through amendment of the draft Island Plan, as an age-restricted form of development, offering potential to provide a further phase of development to complement the existing rental accommodation, of 22 homes, provided by the Greenwood Housing Association to the south.</p> <p>This amendment was withdrawn and replaced with another amendment to add the site to the list of sites to be rezoned for affordable homes under Policy H5.</p> <p>The site has been approved by the States Assembly on this revised basis.</p>	<p>No change</p> <p>Whilst not specifically allocated for age-restricted rental homes, the site might still provide affordable homes to those people who need ongoing support to live independently when assessed through the Jersey Housing Gateway and fitting into the supported housing band.</p> <p>This is already clearly acknowledged in the brief.</p> <p>Ministers will continue to work with the Connétable to help realise this objective within the</p>
SITE: H5 (3) Field J236, La Rue du Cimetiere, St John	<p>Housing type: affordable step-down properties</p> <p>The site was originally proposed, through amendment of the draft Island Plan, as a form of development, that would provide 'affordable step-down properties' to enable people to right size whilst still holding equity in a property.</p> <p>This amendment was withdrawn and replaced with another amendment to add the site to the list of sites to be rezoned for affordable homes under Policy H5.</p> <p>The site has been approved by the States Assembly on this revised basis.</p>	<p>No change</p> <p>The site is required to deliver a mix of social-rented dwellings (45%), and affordable homes for purchase (55%) A departure from this tenure mix might be justified where provision might be made across more than one site, and where the development of the site(s) would be linked to deliver the overall requirement.</p> <p>It is considered that this site is best developed to provide predominantly 3- and 4-bed family homes, together with a limited number of smaller homes. There is, however, potential for a greater proportion of smaller homes to be delivered on the site to meet parish needs.</p> <p>Ministers will continue to work with the Parish of St John to see how this objective might be realised.</p>
	<p>Process: lack of local consultation</p> <p>Local residents have made strong representation to suggest that they have not had opportunity to engage with the rezoning of this site, either at a parochial level, or through the island plan review process.</p>	<p>No change</p> <p>The proposed development of this site was sponsored, through amendment, by the Connétable of St John, with the support of the Comité Commune Rurale de St Jean, who are elected, and who purport to engage with, and represent parishioners.</p> <p>Whilst the island plan review process was amended for the development of the bridging Island Plan, islanders had considerable opportunity to engage throughout the process.</p> <p>This site was not proposed by the Minister, and thus featured throughout the review as a potential amendment. Whilst it was legitimate for this site to be considered and</p>

Part 1: Site- specific issues		
Site	Key issue	Proposed response/change
		added to the final plan by the States Assembly, the need to give wider publicity and emphasis to those sites that <i>might</i> be included in the final plan should be considered as part of any changes to future island plan review processes.
	<p>Site area.</p> <p>Local residents are concerned that the area of the site has been misrepresented; that the Assembly have been presented with misleading information; and that its development potential is, therefore, less.</p>	<p>Change</p> <p>Field J236 is actually over 3 ha in size, however, a strip along the southern part of the field is in different ownership. The amendment upon which the Assembly voted to include J236 in the island plan, correctly defines the smaller area and boundary of the site.</p> <p>An error was made in the publication of the final plan and the proposals map, which mistakenly reflected the boundaries of the whole field: this has since been rectified and acknowledged in the published plan and map.</p> <p>The size of the site, as set out in the development brief, should be amended from approximately 3 ha, to approximately 2.7 ha, and the potential yields also altered. This reduces the indicative range of development from 11-14 homes; to 10-13 homes.</p>
SITE H5 (4): Field MN410, La Rue des Buttes, St Martin	<p>Obligations and viability</p> <p>Planning obligations considered to present a heavy financial burden on the owner and developer in conjunction with the requirements to sell the first time buyer units at 70% of market value and for the units to be in accord with the new minimum floor area requirements which increase the gross floor area by 5 – 10% - in effect this presents a triple penalty which will need to be borne by the developer and the site owner.</p> <p>Preliminary costings have indicated that this will result in a very low site value with little or no developer profit even allowing for construction using MMC</p>	<p>No change</p> <p>The effect of the rezoning of this field is to significantly increase the value of the land. The development of the site, however, necessitates the provision of a range of obligations which are considered necessary and proportionate to enable the development to proceed. The purpose of this guidance is to identify the planning issues and obligations that developers should address and make provision for as part of the development of any scheme and associated planning application. The cost of any such obligations should be considered relative to the assessment of the value of the land.</p> <p>The Minister has published <a href="#">minimum density standards</a> to ensure efficient use of land when it is developed. The Minister has also published revised guidance for <a href="#">residential space</a> and <a href="#">parking standards</a>: whilst residential space standards have been the subject of limited increases; minimum parking standards have been reduced. When</p>

Part 1: Site- specific issues		
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		<p>density, space and parking standards are considered together, it should be possible to deliver more and better homes throughout the island.</p> <p>Where viability is considered to be problematic in terms of realising a development, viability assessments will be required to be undertaken and published and subject to independent review, as part of the planning application process.</p>
	<p>Compulsory purchase timeline</p> <p>Until such time as the contribution towards the foul sewer upgrade has been established and the development brief has been adopted then it is difficult to obtain any commitment to the site and the three years deadline, where the use of CP powers may be considered, looks increasingly unobtainable</p>	<p>Change</p> <p>Policy H5 contains a discretionary provision for compulsory purchase proceedings to be invoked, subject to the approval of the States Assembly, where rezoned affordable housing sites are not being progressed.</p> <p>Add reference to state that discretionary compulsory purchase proceedings would not begin to be considered until at least three years after the publication of development briefs, or the provision of the requisite public sewerage infrastructure, whichever is the latest.</p>
<p>SITE H5 (5): Field MY563, La Rue de la Rosière, St. Mary</p>	<p>Vehicular access</p> <p>Objection to the proposal to secure access preferably, via Jardin de Haut (and onto La Rue de la Vallée), on the basis that additional traffic will prejudice road safety, amenity and tourism aspect of this route.</p>	<p>No change</p> <p>Access via Jardin de Haut on through an existing access on to La Rue de la Vallée will enable both northbound and southbound egress, as existing.</p> <p>The northern section of this road is traffic-calmed and the limited additional traffic movements are not considered to be prejudicial to highway safety.</p> <p>Alternative access on to La Rue de la Rosiere is not supported.</p>
<p>SITE H5 (6): Fields O594 and O595, Le Clos de la Fosse au Bois, St Ouen</p>	<p>Highways and active travel</p> <p>The draft brief requires the provision of a pedestrian link from the SW corner of the site to la Route des Vinchelez, where it is proposed a new bus shelter is provided, together with the provision of a pedestrian crossing facility. Realising the provision of this footpath connection requires access across an operational parish yard, and requires the agreement of the PoSO, who are not supportive.</p> <p>The draft brief also requires the creation of a 3m shared cycle/ped link from the eastern corner of the site to the junction with la Rue des Marettes. This is not considered practical and reduced width of 2m is sought.</p>	<p>Change</p> <p>In view of the Parish of St Ouen's unwillingness to further explore the provision of a pedestrian access to west, and the associated facilities of a relocated bus stop and shelter and crossing facilities, it has been removed from the brief.</p> <p>The minimum specification of a shared pedestrian/cycle route is 3m and should be provided (to ensure active travel access to La Rue des Marettes, to the east).</p>

Part 1: Site- specific issues		
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SITE H5 (8, 9 and 10): Fields P558, P559 and P632, La Route du Manoir, St Peter	<p>Active travel and access</p> <p>The preferred option is to <i>"close La Verte Rue to motorised traffic at the junction with La Grande Route de St Pierre"</i>, which is cause of concern for the Parish and St George's School.</p> <p>Also, the provision of transport-related obligations is considered to be excessive; along with the provision of 3m shared paths.</p>	<p>No change</p> <p>The development brief does not prescribe how access to the site should be secured and the options available to do this should be the subject of more detailed discussions with I&amp;E (Transport and Operations), together with the parish highway authority.</p> <p>The minimum specification for a shared pedestrian/ cycle path is 3m and should be maintained.</p> <p>The level of planning obligations to support travel and transport infrastructure is considered to be proportionate to the nature and scale of the development proposed. Any proposal to vary from them should be the subject of further consideration, with supporting alternative mitigation/justification, with I&amp;E (Transport and Operations).</p>
	<p>Shared open space: extent</p> <p>The brief states that <i>"it is envisaged that up to 25% of the site should be allocated for shared open space across the scheme."</i></p> <p>This statement does not clarify if there is a minimum percentage of the site to be given over to shared open space. Accordingly, if a scheme delivers, say, 18% of the site area for such uses, presumably this would be acceptable?</p>	<p>No change</p> <p>The development brief does not set a definitive minimum requirement in terms of the space to be provided but, instead, set out an indication of the potential scale of this facility. What is most important is that the facility is well-designed and integral to the development of the site and the wider St Peter's Village.</p> <p>The extent, form and design of open space should be the subject of engagement and consultation with community stakeholders as part of pre-application discussion.</p>
SITE H5 (13 and 14): Fields S415A and S470, Le Grande Route de St Martin, St Saviour	<p>Access</p> <p>In undertaking further work with I&amp;E (Transport and Operations), it has been identified that safe vehicular access from field S470 on to La Grande Route de St Martin is difficult to achieve given the relationship of the likely access point with the new access arrangements to serve the Co-op store opposite. This option is effectively negated.</p>	<p>Change</p> <p>The preferred option is that access is secured through Les Cinq Chenes. Access to La Rue des Friquettes is not ideal owing to its limited capacity and width and use to serve St Michael's School.</p> <p>Access options for the development of both S470 and S415A are limited, and the guidance should be sufficiently flexible to enable opportunities to be reviewed.</p>
SITE H5 (15): Fields T1404, La Grande Route de St Jean, Trinity	<p>Housing mix</p> <p>The prospective client has confirmed a clear desire to have only social-rented dwellings on the site. It is the considered view of the prospective client that managing mixed rental and affordable sites, particularly in smaller developments like Fields T1404, can lead to social conflicts and the</p>	<p>No change</p> <p>The tenure split provision set out in the guidance is derived from Island Plan Policy H5, which has been approved by the States Assembly.</p>



Part 1: Site- specific issues		
Site	Key issue	Proposed response/change
	<p>formation of a divisive ‘them and us culture’.</p> <p>There is a precedent for trading tenure provisions with other sites formalised via planning obligation agreements (POA). Initial discussions have taken place with alternative sites with a view to obtaining an appropriate formal agreement on this basis.</p>	<p>The guidance, however, explicitly acknowledges that this split might be the subject of variation and sets out extensive detail on the circumstances where this might be considered favourably, including where the applicant is proposing to re-distribute tenures across more than one housing site, where the delivery of these sites will be linked.</p>

Part 2: General issues	
Key issue	Proposed response/change
<p>Lower rate of discount</p> <p>With house prices falling, interest rates and build costs etc rising along with the requirement to contribute to Planning Obligations a 30% discount off a falling market value is unlikely to stack up.</p> <p>A more appropriate discount in the current climate would be 25% which would be in line with Andium’s maximum discount on their Homebuy scheme</p>	<p>No change</p> <p>Owing to these challenging and difficult circumstances, first-time buyers are also facing considerable challenges. In such circumstances, it is considered appropriate to maintain the 30% discount below market rate.</p> <p>The key issue is for the conditionality of developing sites zoned for affordable homes to be reflected in the value and price paid for the land.</p>
<p>Unviable tenure split</p> <p>The current housing market presents particular challenges for first-time buyers, and it is considered advantageous to qualify the 45%:55% (social rent: affordable purchase) tenure split with an overt statement in the guidance to allow a significantly higher proportion of social rented properties; with allowance for an equivalent number of homes for sale to be provided from within existing social housing provider stock.</p>	<p>No change</p> <p>The tenure split provision set out in the guidance is derived from Island Plan Policy H5, which has been approved by the States Assembly.</p> <p>The guidance, however, explicitly acknowledges that this split might be the subject of variation and sets out extensive detail on the circumstances where this might be considered favourably.</p> <p>The sale of an enhanced proportion of existing social rented stock is a housing policy matter for the consideration of MHC.</p>
<p>Reduced developable areas and yields</p> <p>The requirement to provide large areas of public open space on at least two of the sites; the requirement to protect boundary features; and protect biodiversity; is eroding the potential yield of homes and undermining the primary objective of rezoning land for the provision of affordable homes.</p>	<p>No change</p> <p>The purpose of this guidance is to identify the planning issues that developers should address as part of the development of any scheme and associated planning application.</p> <p>Whilst the delivery of affordable homes is the principal purpose of this policy and guidance there are other material factors that have to be considered, by law, as part of the determination of any planning application.</p> <p>The purpose of development briefs is to provide greater certainty about those issues that are required to be considered. Failure to have regard to the guidance, and the other material factors highlighted in it, poses greater risk that planning permission may not be secured.</p>



Part 2: General issues	
	<p>The primary objective of rezoning sites for the development of affordable is, of course, the development of homes, however, the two sites referred to at St Peter and St John, were rezoned on the clear understanding that their development would also provide an opportunity for the provision of public open space that would be of benefit to the wider community. This is part of delivering homes, but also delivering good place to live.</p>
<p>Excessive transport-related requirements</p> <p>Car and cycle parking are land-hungry uses, so cycle parking requirements should be realistic, and car parking should be minimised in line with the Sustainable Transport policy.</p>	<p>No change</p> <p>The Minister has recently published revised guidance for <a href="#">parking standards</a>; these have been revised in response to consultation feedback.</p>
<p>Right-sizing</p> <p>There is a lack of clarity around right sizing; and some sites appear to be proposing to be used for supported housing, where the plan makes other provision for this.</p>	<p>No change</p> <p>It is the function of the planning system to make provision for the new homes that the island needs, and this is what the island plan seeks to do. Planning law enables homes to be developed for persons who would otherwise have financial difficulties renting or acquiring residential accommodation in the general market for residential accommodation prevailing in Jersey. The development and operation of a right-sizing policy, and its application to the development of new homes, including affordable housing, is a matter for the Minister for Housing and Communities and this remains to be developed.</p>
<p>Low density aspirations</p> <p>Given the SPG's stated desire for higher densities, and that in the island's more rural areas, densities are low and the layout is often dominated by on-plot car parking, this could introduce additional uncertainty and lower eventual yields. The 35dph figure cited in the guidance is a minimum, but it is a low figure.</p> <p>Two standardised density models are presented for each site, but these are purely indicative and the number of homes that is appropriate for any site will be dictated by a design-led approach. If this is correct this should be clarified for every site in the SPG.</p> <p>At least two of the sites are constrained by local factors. On these sites, density figures should either be applied to the whole site, as is normal, or a higher figure should be set for the useable areas to recognise that open space will be provided immediately adjacent.</p>	<p>Change</p> <p>It is quite clear that the modelling of density is indicative and is designed to give an indication of the potential yield and mix of housing types that might be provided on a site: they are not prescriptive.</p> <p>The Minister for the Environment has recently adopted minimum density standards for the island's built-up areas. These are new, and are designed to encourage and enable more efficient use of land, particularly where existing densities may be low. As stated in the guidance, however, any resultant density of development will be informed by a positive design-led approach having regard to have regard to: the quality of design, relative to its context; the quality, type and mix of homes being created; and placemaking.</p> <p>Other yields and mixes may, therefore, be appropriate, depending on the circumstances of each site, and may be higher or lower than the indicative modelling.</p> <p>It is not, however, accepted that where a site is constrained by particular circumstances that that should, by necessity, lead to denser forms of development on the remaining site area. This does not represent a design-led approach.</p> <p>The guidance will be amended to state explicitly that the ultimate housing yield from a site will be dictated by a design-led approach and the particular circumstances of a site, which may be higher or lower than the indicative yield.</p>

Part 2: General issues	
<p>Level of supporting information</p> <p>The SPG requires the submission of a number of studies and reports, and the completion of complex Planning Obligation Agreements. The number, (and cost), of supporting reports, within a planning process which offers little certainty, is a major concern for developers, and a significant risk to development.</p> <p>We would ask the Minister to re-assess the need for surveys and studies as part of the planning application, and whether instead certain issues can be dealt with by appropriate planning conditions, enabling developments to be programmed with greater certainty</p>	<p>No change</p> <p>The purpose of this guidance is to identify the planning issues that developers should address as part of the development of any scheme and associated planning application.</p> <p>The nature and level of information required to be provided is considered to be proportionate to the matters that are required, by law, to be considered.</p>
<p>Securing affordable housing in perpetuity</p> <p>Page 6 of the SPG states that draft deeds should be submitted to and approved by the planning authority. Whilst it has been common for occupancy to be restricted by condition or POA, the additional requirement to submit deeds is inappropriate and strongly resisted.</p>	<p>Change</p> <p>There is a need to develop a more rigorous mechanism to ensure that that affordable homes are subject to the necessary legal provisions that ensures that they remain available and affordable for those who would otherwise have financial difficulties renting or acquiring residential accommodation in the general market for residential accommodation prevailing in Jersey. It is clear that the provisions used over time of rezoned housing sites need to be strengthened in a way that is both more rigorous and proportionate, to ensure that this objective is achieved.</p> <p>The guidance will be amended to require the submission of a scheme for the provision of affordable homes which shall include, amongst other things; details of the arrangements to ensure that assisted purchase housing provision is affordable for both first and subsequent occupiers of the affordable housing.</p>

16. These proposed changes have been made to the consultation draft of the guidance and an amended version of the guidance is provided at appendix 2.

**Relevant considerations**

24. The Minister for the Environment is empowered to publish guidelines and policies under the auspices of Article 6 of the Planning and Building (Jersey) Law, where it accords with the island plan. The proposed development briefs are a requirement arising from Policy H5 of the bridging Island Plan, and without which, the development of rezoned affordable housing sites cannot proceed.

25. The adoption and publication of guidance will ensure that it becomes material to the planning process. This is not considered to have any adverse resource implications and will provide applicants, developers, planners and decision-makers with a more detailed framework against which to progress the development of these sites.

**Communications**

26. The adoption and publication of new supplementary planning guidance might be the subject of a news release.

27. Publication of the revised guidance, and the response to consultation, should be notified to those taking part in the consultation. Adoption of the revised guidance should be communicated directly to the development industry using established channels.
28. Internally, liaison is required with I&E (Regulation) to ensure that the requirements of the revised guidance are considered in relation to the development of these sites.

### **Appendices**

1. Consultation feedback and draft response
2. Revised development briefs: affordable housing sites

### **Copy list**

1. Assistant Minister for the Environment
2. Tom Walker
3. Tim Pryor (Head of communications)
4. Mark Richardson (Private secretary)
5. Kelly Whitehead (Group director: Regulation)
6. Andrew Marx (Head of development and land)
7. Chris Jones (Principal planner: Development control)
8. Natasha Day (Head of Housing and Regeneration)