

General Information	
Ministerial Decision Type	Deciding of: an Appeal/Case/Application/Public Inquiry
Report Title	Referral of planning appeal back to independent planning inspector 31 – 41 Broad Street and, 19 –29 Commercial Street, St Helier)
Minister	Environment
Signatory	Assistant Minister
Lead Department	Cabinet Office
Lead Directorate	Strategy and Innovation (SP3)
Ministerial Decision Summary: Public or <a href="#">Absolutely/Qualified</a> Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	Select date.
Report and Supplemental Report Details	
Report Author	Principal Policy Planner
Date of Report	09/08/2023
Supplementary Report Title <i>(If applicable)</i>	
Supplementary Report Author <i>(If applicable)</i>	
Date of Supplementary Report <i>(If applicable)</i>	
Ministerial Decision Report: Public or <a href="#">Absolutely/Qualified</a> Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	P/2022/0388
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Article 116 of the Planning and Building (Jersey) Law 2002
Action required if recommendation agreed	Department to take necessary action.

Resource Implications	There are additional financial implications. Further detail is included in the detail section of the report.
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### Detail

Following an appeal against the refusal of planning permission, reference P/2022/0388, Philip Staddon was appointed as the Independent Planning Inspector to consider the appeal and all statements and other plans and documents associated with the appeal.

The Inspector visited the site and surroundings before holding a hearing and, subsequently, preparing and submitting a report for the Assistant Minister's consideration. The Inspector noted in his report that:

*“Policy H6 requires development proposals involving 50 or more dwellings to include at least 15% of properties available for sale or occupation by Islanders eligible for assisted purchase housing. The policy states that it will be in effect from January 2023 following the development and publication of appropriate assisted purchase products and eligibility criteria, as relevant to the application of this policy. [paragraph 101]*

*Whilst the scheme would exceed the 50 threshold and it is now after January 2023, I understand that there is yet to be a publication of products and criteria. The SCG [statement of common ground] records that the main parties consider that as a result of the delayed publication, ‘this policy is not yet in effect’. Should this position change prior to the Minister’s decision, this matter would need to be revisited”. [paragraph 102]*

Supplementary planning guidance - Making homes more affordable (the SPG), was approved and adopted on 31 July 2023, after the receipt of the Inspector's report. The SPG serves to bring Policy H6 of the bridging Island Plan into effect and it is, therefore, now a material consideration in the determination of planning applications. Article 19(1) of the Planning and Building (Jersey) Law, 2002 requires that all material considerations be taken into account in the determination of an application for planning permission.

Planning application reference P/2022/0388 has not been considered against Policy H6 of the Island Plan and, therefore, the appeal against the original decision to refuse planning permission should be referred back to the independent planning inspector for a detailed assessment to be made of the application against the requirement of Policy H6.

The Inspector should be requested to prepare a supplementary report for the Assistant Minister's consideration, the financial implications of which should not be significant.

### Recommendation

It is recommended that the Assistant Minister:

1. Refers the appeal back to the independent planning Inspector for an objective assessment to be made in respect of the requirement for the provision of affordable homes within the proposed development, in accordance with Policy H6 of the bridging Island Plan – Making homes more affordable and the adopted supplementary planning guidance – Making homes more affordable (July 2023)
2. Requests that the Inspector prepares a supplementary report and recommendation, in response to (1) above, as soon as practicable.

3. Defers the determination of the appeal until such time that the Inspector's supplementary report and recommendation are produced, submitted to, and considered by the Assistant Minister.

End