

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 28th JUNE 2011

PUBLIC BUSINESS – resumption	8
1. Island Plan 2011: approval (P.48/2011): fifty-fourth amendment (P.48/2011 Amd.(54)) - amendment (P.48/2011 Amd.(54)Amd.).....	8
1.1 Senator F E Cohen (The Minister for Planning and Environment):.....	8
1.1.1 Deputy R.G. Le Hérisier of St. Saviour:	10
1.1.2 Deputy J.M. Maçon of St. Saviour:.....	11
1.1.3 Deputy P.J. Rondel of St. John:	11
1.1.4 Connétable J.M. Refault of St. Peter:.....	11
1.1.5 Deputy A.K.F. Green of St. Helier:.....	12
1.1.6 Senator F. du H. Le Gresley:.....	12
1.1.7 Deputy P.V.F. Le Claire of St. Helier:	13
1.1.8 Deputy S. Power of St. Brelade:	16
1.1.9 Deputy D.J.A. Wimberley of St. Mary:.....	16
1.1.10 Senator P.F.C. Ozouf:	18
1.1.11 Senator T.J. Le Main:.....	20
1.1.12 Connétable K.P. Vibert of St. Ouen:.....	20
1.1.13 Deputy M. Tadier of St. Brelade:.....	20
1.1.14 Deputy D.J. De Sousa of St. Helier:	21
1.1.15 Deputy G.P. Southern of St. Helier:.....	21
1.1.16 Senator F.E. Cohen:	23
Deputy J.A.N. Le Fondré:.....	26
1.2 Island Plan 2011: approval (P.48/2011) - forty-first amendment (P.48/2011 Amd.(41))	28
1.2.1 Senator F.E. Cohen (The Minister for Planning and Environment):.....	28
1.2.2 Senator T.J. Le Main:	28
1.2.3 The Deputy of St. Mary:.....	28
1.2.4 Deputy G.P. Southern:.....	29
1.2.5 Deputy P.V.F. Le Claire:	29
1.2.6 Senator F.E. Cohen:.....	29
1.3 Island Plan 2011: approval (P.48/2011) - amendment (P.48/2011 Amd.).....	30
1.3.1 Senator T.J. Le Main:	31
1.3.2 Deputy J.M. Maçon:	31
1.3.3 Deputy M. Tadier:	31
1.3.4 Deputy P.V.F. Le Claire:	32
1.3.5 Senator T.J. Le Main:	33
1.4 Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - paragraph 3	34

1.4.1	The Deputy of St. Mary:.....	34
1.4.2	Connétable A.S. Crowcroft of St. Helier:.....	36
1.4.3	Deputy D.J. De Sousa:.....	36
1.4.4	Deputy J.B. Fox of St. Helier:.....	36
1.4.5	The Deputy of St. Mary:.....	37
1.5	Island Plan 2011: approval (P.48/2011): fifth amendment (P.48/2011 Amd.(5)).....	37
1.5.1	Deputy F.J. Hill of St. Martin:.....	38
1.6	Island Plan 2011: approval (P.48/2011): fifth amendment (P.48/2011 Amd.(5)) - amendment (P.48/2011 Amd.(5)Amd.).....	38
1.6.1	Senator F.E. Cohen (The Minister for Planning and Environment):.....	39
1.6.2	Deputy A.E. Jeune of St. Brelade:.....	39
1.6.3	Deputy A.E. Pryke of Trinity:.....	39
1.6.4	Senator F.E. Cohen:.....	39
1.7	Island Plan 2011: approval (P.48/2011): fifth amendment (P.48/2011 Amd.(5)) - as amended.....	39
1.7.1	Senator A. Breckon:.....	40
1.7.2	The Deputy of St. Martin:.....	41
1.8	Island Plan 2011: approval (P.48/2011): fifty-seventh amendment (P.48/2011 Amd.(57)).....	42
1.8.1	Senator F.E. Cohen (The Minister for Planning and Environment):.....	43
1.8.2	Deputy A.E. Jeune:.....	44
1.8.3	Connétable D.J. Murphy of Grouville:.....	44
1.8.4	Deputy K.C. Lewis of St. Saviour:.....	44
1.8.5	Deputy J.G. Reed of St. Ouen:.....	44
1.8.6	Senator T.J. Le Main:.....	45
1.8.7	Deputy J.B. Fox:.....	45
1.8.8	Deputy P.V.F. Le Claire:.....	45
1.8.9	Connétable M.K. Jackson of St. Brelade:.....	46
1.8.10	The Connétable of St. Peter:.....	46
1.8.11	Senator F. du H. Le Gresley:.....	47
1.8.12	Senator A.J.H. Maclean:.....	47
1.8.13	Senator B.I. Le Marquand:.....	47
1.8.14	The Deputy of St. John:.....	47
1.8.15	Deputy J.A.N. Le Fondré:.....	48
1.8.16	The Deputy of St. Mary:.....	48
1.8.17	Deputy C.H. Egré of St. Peter:.....	49
1.8.18	Senator P.F.C. Ozouf:.....	49
1.8.19	Senator F.E. Cohen:.....	50
1.9	Island Plan 2011: approval (P.48/2011): twenty-eighth amendment (P.48/2011 Amd.(28)).....	51
1.9.1	Deputy J.A.N. Le Fondré:.....	52
1.10	Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - paragraph 4.....	52
1.10.1	The Deputy of St. Mary:.....	52
1.11	Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - amendment (P.48/2011 Amd.(20)Amd.).....	53

1.11.1	Senator F.E. Cohen (The Minister for Planning and Environment):	53
1.11.2	Deputy G.P. Southern:	54
1.11.3	Senator F.E. Cohen:	54
1.12	Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - paragraphs 5 and 6.....	55
1.12.1	The Deputy of St. Mary:	56
1.13	Island Plan 2011: approval (P.48/2011): forty-fifth amendment (P.48/2011 Amd.(45))	57
1.13.1	Senator F.E. Cohen (The Minister for Planning and Environment):	58
1.14	Island Plan 2011: approval (P.48/2011): fortieth amendment (P.48/2011 Amd.(40))..	58
1.14.1	Senator F.E. Cohen (The Minister for Planning and Environment):	59
1.15	Island Plan 2011: approval (P.48/2011): twenty-first amendment (P.48/2011 Amd.(21)) - paragraphs 1 and 2.....	60
1.15.1	The Deputy of St. Mary:	61
1.16	Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraphs 16 and 17.....	61
1.16.1	The Connétable of St. Helier:	61
1.17	Island Plan 2011: approval (P.48/2011): nineteenth amendment (P.48/2011 Amd.(19))	62
1.17.1	The Connétable of St. Helier:	63
1.18	Island Plan 2011: approval (P.48/2011): nineteenth amendment (P.48/2011 Amd.(19)) - amendment (P.48/2011 Amd.(19)Amd.).....	63
1.18.1	The Deputy of St. Mary:	63
1.18.2	Deputy R.C. Duhamel of St. Saviour:	64
1.18.3	The Deputy of St. Mary:	64
1.19	Island Plan 2011: approval (P.48/2011): nineteenth amendment (P.48/2011 Amd.(19)) - as amended.....	64
1.19.1	The Connétable of St. Brelade:	64
1.19.2	Deputy M. Tadier:	64
1.19.3	The Connétable of St. Saviour:	65
1.19.4	Deputy A.E. Jeune:	65
1.19.5	The Connétable of Grouville:	65
1.19.6	The Connétable of St. Helier:	65
	LUNCHEON ADJOURNMENT PROPOSED.....	66
	LUNCHEON ADJOURNMENT.....	67
1.20	Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)) - paragraph 6.....	67
1.20.1	Deputy J.A.N. Le Fondré:	67
1.21	Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)) - second amendment (P.48/2011 Amd.(37)Amd.(2)).....	68
1.21.1	Senator F.E. Cohen (The Minister for Planning and Environment):	68

1.22 Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)) - paragraph 6 as amended.....	69
1.22.1 Deputy P.V.F. Le Claire:.....	69
1.23 Island Plan 2011: approval (P.48/2011): twenty-first amendment (P.48/2011 Amd.(21)) - paragraph 3.....	69
1.23.1 The Deputy of St. Mary:.....	70
1.23.2 The Connétable of St. Brelade:.....	70
1.23.3 The Deputy of St. Mary:.....	70
1.24 Island Plan 2011: approval (P.48/2011): twenty-first amendment (P.48/2011 Amd.(21)) - paragraph 4.....	70
1.24.1 The Deputy of St. Mary:.....	71
1.25 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 18.....	72
1.25.1 The Connétable of St. Helier:.....	72
1.25.2 Deputy M. Tadier:.....	72
1.25.3 Deputy D.J. De Sousa:.....	73
1.25.4 The Deputy of St. Mary:.....	73
1.25.5 The Connétable of St. Brelade:.....	73
1.25.6 Deputy K.C. Lewis:.....	73
1.25.7 Deputy P.V.F. Le Claire:.....	74
1.25.8 Senator F.E. Cohen:.....	74
1.25.9 The Connétable of St. Saviour:.....	74
1.25.10 The Connétable of St. Helier:.....	74
1.26 Island Plan 2011: approval (P.48/2011): fifty-first amendment (P.48/2011 Amd.(51))	75
1.26.1 The Deputy of St. Mary:.....	76
1.26.2 Senator F.E. Cohen:.....	77
1.27 Island Plan 2011: approval (P.48/2011): fourteenth amendment (P.48/2011 Amd.(14))	77
1.27.1 Deputy J.B. Fox:.....	77
1.28 Island Plan 2011: approval (P.48/2011): fourteenth amendment (P.48/2011 Amd.(14)) - second amendment (P.48/2011 Amd.(14)Amd.(2)).....	78
1.28.1 Senator F.E. Cohen (The Minister for Planning and Environment):.....	78
1.28.2 Deputy A.K.F. Green:.....	78
1.28.3 Deputy D.J. De Sousa:.....	79
1.28.4 Deputy G.P. Southern:.....	79
1.28.5 The Connétable of St. Helier:.....	79
1.28.6 Deputy M. Tadier:.....	79
1.28.7 The Connétable of St. Brelade:.....	80
1.28.8 Deputy K.C. Lewis:.....	80
1.28.9 The Deputy of St. Ouen:.....	80
1.28.10 Deputy P.V.F. Le Claire:.....	80
1.28.11 Senator F.E. Cohen:.....	80
1.29 Island Plan 2011: approval (P.48/2011): fourteenth amendment (P.48/2011 Amd.(14)) - amendment ((P.48/2011 Amd.(14)Amd.).....	82
1.29.1 The Deputy of St. Mary:.....	82

1.29.2	Senator S.C. Ferguson:	83
1.29.3	Deputy M. Tadier:	83
1.29.4	Deputy G.P. Southern:	84
1.29.5	Deputy J.M. Maçon:	84
1.29.6	Deputy A.E. Jeune:	84
1.29.7	Senator F.E. Cohen:	84
1.29.8	The Deputy of St. Mary:	84
1.30	Island Plan 2011: approval (P.48/2011) – fifty-second amendment (P.48/2011 Amd.(52))	85
1.30.1	Senator F.E. Cohen (The Minister for Planning and Environment):	85
1.30.2	The Connétable of St. Helier:	86
1.30.3	The Connétable of St. Saviour:	86
1.30.4	Deputy M. Tadier:	86
1.30.5	Senator F.E. Cohen:	87
1.31	Island Plan 2011: approval (P.48/2011): forty-first amendment (P.48/2011 Amd.(41))	87
1.31.1	Senator F.E. Cohen (The Minister for Planning and Environment):	88
1.31.2	The Deputy of St. Mary:	88
1.31.3	The Connétable of St. Brellade:	89
1.31.4	Senator B.E. Shenton:	89
1.31.5	Senator F.E. Cohen:	89
1.32	Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 20	89
1.32.1	The Connétable of St. Helier:	89
1.32.2	The Deputy of St. Mary:	90
1.32.3	The Connétable of St. Helier:	90
1.33	Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 21	90
1.33.1	The Connétable of St. Helier:	91
1.34	Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 21 - amendment (P.48/2011 Amd.(38)Amd.(2))	91
1.34.1	Senator F.E. Cohen (The Minister for Planning and Environment):	91
1.34.2	The Deputy of St. Mary:	92
1.34.3	Senator F.E. Cohen:	92
1.35	Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 21 - as amended	92
1.35.1	Deputy M. Tadier:	93
1.35.2	The Connétable of St. Helier:	94
1.36	Island Plan 2011: approval (P.48/2011): thirty-first amendment (P.48/2011 Amd.(31))	94
1.36.1	Deputy J.M. Maçon:	94
1.36.2	The Connétable of St. Helier:	97
1.36.3	The Connétable of St. Saviour:	97
1.36.4	Deputy M. Tadier:	97
1.36.5	The Deputy of St. Mary:	97
1.36.6	Deputy R.G. Le Hérissier:	98

1.36.7	The Connétable of St. Brelade:.....	98
1.36.8	Deputy S. Power:	99
1.36.9	Deputy J.M. Maçon:.....	99
1.37	Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 22	101
1.37.1	The Connétable of St. Helier:	101
1.38	Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - paragraph 7	101
1.38.1	The Deputy of St. Mary:.....	101
1.39	Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 23	102
1.39.1	The Connétable of St. Helier:	102
1.39.2	The Connétable of St. Brelade:.....	102
1.39.3	The Deputy of St. Mary:.....	102
1.39.4	The Connétable of St. Helier:	103
1.40	Island Plan 2011: approval (P.48/2011): sixteenth amendment (P.48/2011 Amd.(16))	103
1.40.1	Deputy J.A.N. Le Fondré:	103
1.40.2	The Deputy of St. Mary:.....	103
1.40.3	Senator F.E. Cohen:	104
1.40.4	Deputy A.E. Jeune:	104
1.40.5	Deputy J.A.N. Le Fondré:	104
1.41	Island Plan 2011: approval (P.48/2011): twenty-sixth amendment (P.48/2011 Amd.(26)).....	104
1.41.1	Senator S.C. Ferguson:.....	105
1.41.2	Senator P.F.C. Ozouf:	109
1.41.3	Connétable G.F. Butcher of St. John:	110
1.41.4	Deputy P.V.F. Le Claire:.....	110
1.42	Island Plan 2011: approval (P.48/2011): second amendment (P.48/2011 Amd.(2))... 110	
1.42.1	The Connétable of Grouville:	111
1.42.2	Senator F.E. Cohen:	112
1.42.3	Senator B.E. Shenton:	113
1.42.4	Senator B.I. Le Marquand:	113
1.42.5	Deputy A.E. Jeune:	113
1.42.6	The Deputy of St. John:.....	113
1.42.7	The Deputy of St. Peter:.....	114
1.42.8	The Deputy of St. Mary:.....	114
1.42.9	Senator T.J. Le Main:.....	114
1.42.10	The Connétable of St. Ouen:.....	115
1.42.11	Deputy J.A.N. Le Fondré:.....	115
1.42.12	The Connétable of St. Brelade:	115
1.42.13	The Connétable of St. Saviour:	115
1.42.14	Deputy J.B. Fox:.....	115
1.42.15	The Connétable of St. Peter:	116
1.42.16	Deputy J.A. Hilton of St. Helier:.....	116
1.42.17	The Connétable of Grouville:.....	116

**1.43 Island Plan 2011: approval (P.48/2011): eleventh amendment (P.48/2011 Amd.(11))
118**

1.43.1 Deputy J.A.N. Le Fondré: 118

**1.44 Island Plan 2011: approval (P.48/2011): eleventh amendment (P.48/2011 Amd.(11)) -
amendment (P.48/2011 Amd.(11)Amd.) 119**

1.44.1 Deputy P.V.F. Le Claire: 119

1.44.3 Deputy R.C. Duhamel: 123

1.44.4 Senator B.I. Le Marquand: 124

1.44.5 Deputy T.A. Vallois of St. Saviour: 125

ADJOURNMENT..... 126

[09:01]

The Roll was called and the Dean led the Assembly in Prayer.

PUBLIC BUSINESS – resumption

1. Island Plan 2011: approval (P.48/2011): fifty-fourth amendment (P.48/2011 Amd.(54)) - amendment (P.48/2011 Amd.(54)Amd.)

The Bailiff:

Now we return to the proposed order of events and the next matter, I think, is for the Minister for Planning and Environment to request Members to take his amendment to his 54th amendment. The States has not yet agreed that you can take that amendment to the amendment, Minister. If you would just like to explain briefly.

Senator F E Cohen:

Yes. This is a relatively simple amendment and it is designed to accommodate the helpful suggestion of Deputy Le Fondré that the Supplementary Planning Guidance that emerges from the H3 policy should be brought back to the Assembly for endorsement, which it will, before the end of this year.

The Bailiff:

Does the Assembly agree then to let the Minister take this amendment to the amendment? Very well. Now, Deputy Le Fondré, I understand that you agree that the right course then is for the Minister's 54th amendment now to be debated as amended. If it is passed then you will not proceed with yours?

Deputy J.A.N. Le Fondré of St. Lawrence:

Yes, as I understand it if the States accepts the Minister's amendment at the end of it I will simply withdraw. I would like to say 2 things at the end just to explain the logic.

The Bailiff:

So, the matter now before the Assembly is the Minister's 54th amendment, which is fairly lengthy, so we will not read it out and the Minister will propose it as amended. So, in other words, with the words: "And endorsed by the States" included at the end of the wording. So, I invite the Minister to propose his 54th amendment as amended.

1.1 Senator F E Cohen (The Minister for Planning and Environment):

As Members will know, Deputy Le Fondré had proposed the Supplementary Planning Guidance emerging from the negotiations to set an annual affordable housing rate should be brought back to this Assembly for endorsement. Last week I lodged an amendment seeking to accede to Deputy Le Fondré's request as I believe this is a positive proposal and it improves the democratic process. Therefore, at the outset, I wish to clarify that while the principles of the affordable housing mechanism can be debated today the actual mechanism will be brought back to this Assembly for endorsement. To further clarify, the Supplementary Planning Guidance negotiation will involve full consultation with the construction industry through the representation of the helpful president of the Association of Jersey Architects, the chairman of the Jersey Construction Council, 2 constructors, a quantity surveying representative, a representative from the banking industry specialising in project finance, a mortgage market representative, and interested politicians and specifically Treasury, Housing and Planning. I have invited Deputies Le Fondré, Le Claire and Power to participate. Work on the Supplementary Planning Guidance will begin imminently and the intention is to bring the Supplementary Planning Guidance back to the States by the end of the year. Again, any other States Member who has an interest please advise me as soon as possible and

you too can be included in the negotiating group. Reverting to the principles of the new affordable housing policy it is important to set out what we are endeavouring to deliver. All the research work of the Department, verified by the Statistics Office, has identified the approximate requirement for affordable housing over the next 10 years as an estimated 500 social rented and 500 Homebuy 2 deferred payment type houses. The latter means based on the La Providence model, delivered so successfully by Deputy Power, we will be delivering 3-bedroom homes for needy Islanders at around £250,000 to £260,000 and delivering rental homes of a similar standard at social rented housing levels. It is not a precise science and it is just a best estimate of demand that may change over the period. As described in the note I sent around to States Members we will deliver the following during the term of the Island Plan. Fourteen social rented homes already zoned, 172 social rented lifelong properties already zoned, States-owned sites are to deliver 75 social rented and 75 Homebuy 2. Parish planning sites are to deliver approximately 50 social rented and 50 Homebuy 2. Developer contributions under the affordable housing scheme are estimated to deliver approximately 140 social rented homes and 310 Homebuy 2 homes over the 10-year life of the plan. In addition to this provision other previously agreed rezonings will provide an estimated additional 70 first-time buyer homes and 185 lifelong home sale homes. In summary, during the 10-year life of the plan there will be an estimated delivery of 1,140 Category A homes and that is without the 3 sites that we deleted yesterday. As the rezoned sites have now been withdrawn it may be necessary for the Minister to come back to the States with proposals for some rezoning. This will only be after a thorough analysis of the requirement has been carried out and a revised H1 policy devised. I would now like to outline how the developer affordable housing obligations will work and provide more detail on the annual negotiation process. This policy requires developers to build affordable housing, or make affordable housing contributions, as part of all larger developments; initially 6 or over, and as the plan progresses the threshold reduces to 2. The rate of calculation of the developer affordable housing contribution will be set initially at 12.5 per cent of the gross notional development value, rising as the policy beds in to 20 per cent. There has been some significant objection to this proposal from the construction industry. However, I contend this was because the mechanism document released 2 weeks ago had not been widely read by the industry. Indeed the president of the Association of Jersey Architects was initially a critic of the policy but now he has had time to reflect and consider the policy and proposals he is an enthusiastic supporter and will be engaged in the process. The key is that the policy implementation mechanism provides for an annual negotiation with the construction industry, stakeholders and politicians in order to set the formula used for that year for the calculation of the gross notional development value. This negotiation will have at its heart 2 key principles that will require balancing: one is ensuring the delivery of affordable housing for that year, and the second is ensuring that we maintain the vitality of the construction industry. Consequently, I assure Members that we will not drive the construction industry into the sea but rather we will ensure its continuing vitality while requiring the industry to make a social contribution to the delivery of affordable housing in Jersey. Please do not be rattled by the ill-informed scaremongering that was going on last week. This policy works well in other jurisdictions and we are introducing the developer obligations at a level much lower than other jurisdictions. Yes, it will require understanding while it beds in, and that is why we have introduced the annual negotiation. Of course, central to the new policy is the commitment of the States to deliver an element of affordable housing on States-owned land. We have therefore proposed that on States-owned land we should provide an additional 150 Homebuy 2 and social rented houses. This is our obligation and was enthusiastically supported by Members yesterday.

[9:15]

We, as the States, hold these sites for the people of Jersey as custodian and what better use could be promoted for these publicly-owned sites than to provide them for the benefit of those who are on lower incomes? We can deliver the dream of home ownership to many in this way; it is in our gift.

The annual negotiation will provide a great benefit in terms of flexibility, as it will enable the policy to adapt and respond to the changes in the light of different types of housing. The policy we have brought forward is a direct response to the instructions of the House when it approved the Deputy of Grouville's proposition in 2008. This proposition stated: "To request the Minister for Planning and Environment to bring forward a policy that requires planning applications over a certain size to provide a percentage of their build for social need, whether that be social rented, first-time buyer, retirement, sheltered housing or a mix, whichever is most appropriate of the site." Our policy thus extracts some of the value we create through the planning consent process and delivers that benefit through the provision of discounted homes to those on lower incomes in the Island and delivers the dream of home ownership to those who otherwise would have had no opportunity to own their own home, and it delivers precisely what the Deputy of Grouville intended. The strategy is squarely aimed at the protection of the countryside and the delivery of new homes in the urban areas. Thus the emphasis is not on rezoning greenfields but on delivering affordable housing contributions from all large built-up area developments. The development of the policy has been informed by leading specialist Kelvin MacDonald, who is one of the leading authorities on affordable housing in the United Kingdom. This has further been modified following extensive public consultation involving input from the development industry and significant independent scrutiny and review from the independent planning inspectors. It is supported by the independent inspectors both in their policy and in the addendum. The inspectors have recommended that the delivery on States-owned land be given a chance to succeed and, if for any reason it were to fail, that private sites be considered by the States within 2 years. In response we have incorporated, as Members will remember yesterday, the trigger mechanism in the policy to deliver this belt and braces protection. Lastly, the new policy will not come into effect until January 2012, which provides sufficient time to finalise the details of the Supplementary Planning Guidance and to bring it back to the States for endorsement. I urge Members to support this amendment. Thank you.

The Bailiff:

Is the amended seconded? [**Seconded**]

Senator P.F.C. Ozouf:

May I make a declaration of interest? I expect to be involved in a potential planning application which would, during the life of the plan, be affected by the general H3 policy caught by the intentions of the Minister, but I regard it as a general issue covered by a large class of individuals. I will take part in the debate but nevertheless wish to register the potential interest which would occur during the life of the plan.

Senator B.I. Le Marquand:

I have a similar position.

The Bailiff:

Very well. Does any Member wish to speak on the amendment?

1.1.1 Deputy R.G. Le Hérissier of St. Saviour:

Just to make a few general comments. It is quite amazing when you consider that this policy in the last day or 2 appeared to have been fragmenting in front of our very eyes and yet the Minister has just outlined it as if everybody from the Secretary General of the United Nations to Einstein himself is behind this policy, which begs the question, why has there been this sort of sudden reversion to Supplementary Planning Guidance? It may well work, but what will the Supplementary Planning Guidance do that the policy at the moment will not do? I mean, if it has led to this incredible upsurge of opposition from the construction industry we really need to know, other than the fact they are not being socially aware chaps and chapesses, which seems to be the inference, what they are objecting to and what is being done about these objections because I do get the feeling also

there is some sort of surrogate debate going on that if you do not comply with the division of housing, and we are going to moderate it because of the possibility of a legal imbroglio, we will bring in a development tax, which the naughty Deputy of St. Mary has in his armoury at the moment. I just do not understand what is going on. If this is such a fantastic policy, why are we delaying it? Because there is so much being delayed, and it has to be remembered it is being delayed to a Planning and indeed a Minister for Housing and I noticed the Minister for Housing has not appeared on the working party. It is all being delayed to someone who may well have a different policy, a different attitude, and that person is going to be faced, if this goes through, and if the heart of the policy, which is to shift a lot of the building either to States land or to money or to funds created by the sale of that land, if that does not work then the new legislature is in for an enormous number of rezonings which we very quickly, to the surprise of a lot of us, put off yesterday. So, I would like to know what is going on. I would like to know what the actual objections of the building industry are and how these will be met by Supplementary Planning Guidance because it is certainly very unusual. We know this Assembly has a reputation for micromanagement of everything but it is very unusual to bring it and have yet another battle. I want to know, what are the issues at stake? Particularly as the Minister seems to have described it as the best thing, if not better, than sliced bread.

1.1.2 Deputy J.M. Maçon of St. Saviour:

While I will be supporting the amendment I will remind Members about the key phrase: “Planning guidance.” They are guidelines and indeed when we sit on Planning there is some debate over how far and how much people stick to guidelines and how that refers to the actual policy and how it differs. So, the question I want to put to the Minister is how does the Minister foresee guaranteeing what the main policy wants through the Supplementary Planning Guidance when we know there is a level of flexibility there?

1.1.3 Deputy P.J. Rondel of St. John:

When the Minister sums up, will he give us an indication of how the States-owned sites will be subsidised. Will it be by way of leasing these sites, as happened in the 1960s at Les Quennevais, with a large number of homes that were being built? They were given a 99-year lease, so the land would come back into the ownership of the Island, because the questions that have been asked of myself is if we are using States-owned land to build first-time buyer homes on, yes, we want the homes to be there for our young people at a reduced rate, but will the actual base i.e. the land, be leasehold instead of freehold? Thank you very much.

1.1.4 Connétable J.M. Refault of St. Peter:

Earlier this morning I was in deep conversation with a local developer who now works predominantly in the U.K. (United Kingdom) doing development sites and he was quite surprised at the extent of rejection from the local developers on the Minister for Planning’s proposal for 20 per cent social rental because he is conditioned to providing 30 per cent in the U.K. and they have had to bite the bullet over there. He said the principal way of improving the funding mechanism to be able to deliver social housing is to look at the actual land cost and we know historically here in Jersey land cost goes up by a significant quantum multiplier as soon as it gets rezoned and there are some quite easy mechanisms. If one looks at an ordinary type of single house plot, for example, you can more or less divide it into thirds. A third is the land cost, a third is the development cost, the building cost, and a third is the profit. It is that third profit that I think developers and landowners have to start accepting there is not going to be a third in the future. There is going to be somewhat less. One can start to understand if that is the rationale why there is a lot of resistance from the local developers, if they are seeing a reduced profit in the future on the properties they are developing. One can also see that perhaps the landowners may not be getting such a high quantum, but to suggest they will not put their properties on the market because they are not getting so much I do not think is a sustainable argument because at some time they will sell because they want to

sell it and reap the reward, even if it is only 50 per cent of what they would have achieved earlier on but I think there are a lot of opportunities there. Moving on just to partially help the Deputy of St. John with a question he has raised, I am engaged at the moment with quite a number of leaseholders at Les Quennevais within my Property Holdings responsibilities, and I met with a group of them last night as it happens up at Les Quennevais. The leaseholders in Jersey are, in residential property terms, not well-liked. The local population do not like leaseholds because they recognise at the end of the lease their property will be worth nothing, absolutely nothing; it returns back to the States or to the leaseholder and they lose the property. Equally, as at Les Quennevais at the moment, they have around 55 years left on their 99-year leases, they are about to start seeing the value of their properties starting to diminish, and this is from a residential point of view. The owners of those units at Les Quennevais find this somewhat unpalatable and at the meeting last night they were very, very eager to look at a way of converting their leaseholds to flying freehold to protect their investment in their properties and hand something on to their children as well. So, while it may look from the outset as a good option of the public getting their land back, it is getting their land back at the expense of the people that are the leaseholders and I am not sure if that is something we want to do when we are talking about residential property. Commercial property is a different picture all together. It is just those 2 things. Thank you for your time.

1.1.5 Deputy A.K.F. Green of St. Helier:

I would like to pick on a couple of points and naturally I will be supporting this amendment. The Minister mentioned the dream of home ownership and good quality social rented homes. To my mind this policy, for the first time, will bring a connection between those in need and those that are making money out of the land that they have and I think, if for no other reason, that it is a good reason to be supporting this amendment. The other reason naturally, of course, is that we have people who require the homes and we need to get on and develop those homes for people who want to buy their own homes and for people who need social rented housing. Obviously alongside that comes the need to improve security of tenure because we talk about affordable homes, but for many people, apart from renting, there will be no other form of affordable home and therefore we need to ensure that people get good quality homes provided with security of tenure and that is work that I am already undertaking. So, please support this amendment.

1.1.6 Senator F. du H. Le Gresley:

I only have a very small point to make, but I feel it is quite important. The new plan proposes to deliver in the region of 500 new Homebuy 2 deferred payment-type properties, which is great, and the Minister has said that they will be for sale at about £260,000, which is within the reach perhaps of young couple in Jersey, but what worries me, and these are the Minister's words: "To deliver the dream of home ownership to young couples" but my understanding, and I stand to be corrected if I have it wrong, the current gateway for Homebuy 2 only allows couples with one or more children to qualify at the moment. So, the dream of home ownership for young couples without children is just a dream. It will not happen, and I hope that those responsible for the gateway, which is probably the Minister for Housing, would look at this because I know of some young couples who would like to start a family but where they live it is impossible to do so, but their dream of owning a home will never happen under Homebuy 2 unless we look at the gateway. I would also like to ask the Minister, and again slightly off-beat but I think it is still important to say this, the 3 sites that were withdrawn yesterday include field 1219, which we all know is an agricultural field that is still being cultivated regularly and yet the best site, and the inspectors said this all along, Samarès Nursery site, is now presumably lost for some time to come and what I would ask him is when he brings back those 3 sites, would he bring back Samarès Nursery site at the same time so we can have that debate?

[9:30]

Because my strong belief is that field 1219 will be rejected by this House, and should be rejected by this House, but the Samarès Nursery site, which has the potential for 150 units, should really be brought back at the same time for further debate by the States. I live in the Parish of St. Clement, and have done for 6 or 7 years, and I was saying to a Member this morning I discovered Samarès Nursery site by accident while I was out walking my dog. I never even knew that parcel of land existed because it is hidden behind houses and behind the housing estate. It is land that you cannot reach with a tractor ... I doubt if you could reach it with a tractor, and it is just sitting there rotting away and you have a willing seller and it seems absolutely ridiculous that we have now pulled the 3 proposed sites, and yet if we do not bring back Samarès Nursery site at the same time for further debate I think we are making a big mistake. Thank you.

1.1.7 Deputy P.V.F. Le Claire of St. Helier:

I am pleased and will be supporting the amendments brought by the Minister and I congratulate him and also Deputy Le Fondré in recognising that this is necessary. The Minister speaks about the president of the Association of Jersey Architects being on side. He certainly is. Whether he can say the same for his Association has yet to be determined, but privately many of them express deep concern about this policy. A lot of them are concerned that if they voice that concern too publicly their businesses, along with the smaller businesses and construction, are concerned that it will bode poorly for them in the future. The president of the Association of Jersey Architects does not speak, I would say, on behalf of the Jersey Construction Council who issued a paper on 22nd June 2011, which was emailed to all Members and put in their pigeon holes where it says: "Affordable housing policy amendment does not go far enough, the Jersey Construction Council has restated its view that the affordable housing policy proposed by the Environment Department needs to be deferred until the mechanism for the provision of affordable housing has been proven to be viable and effective" and they go on in their letter, Members have it so I will not bore them, to express some deep concern about the policy, and in fact another architect who is quite well respected, Mr. Waddington, emailed the Senator and other people and he shared that information with me about his view in regards to the policy, and his view is as stated here: "Please see attached my first thoughts on the economies of affordable homes. However, it relies on the States tinkering with land values, final selling prices and so on which if even legal sounds likely to fail. Another idea might be all rezoned sites are subject to a 50 per cent capital gains tax." And then I harken back to the Hansard of 15th and 16th July 2008 when we rezoned those properties in P.75/2008 for those 11 fields in those 8 Parishes where the Minister for Treasury and Resources stood up and talked about capturing this uplift in value, and I will circulate the Hansard to Members of what he said at the time, because it is important to realise, that was in 2008 and we have not seen anything yet. All we have got on the table at the moment is the proposal by the Deputy of St. Mary to do something which most of us believe is the right thing to do, which is to levy a tax on the land and to levy a tax on the developer. However, as was put to me, if something has got a 10 per cent tax then they just will increase their price by 10 per cent to cover that. The architect goes on to talk about: "The tax is fed straight back into each development to make up the shortfall and affordability in the form of a bond just for the Homebuy initiative for first-time buyers. The tax is payable on the transaction of the land. If a landowner wants to develop without selling then the site is independently valued. Okay, might lose a few thousand pounds at this stage but smaller scale to overall picture, and the same 50 per cent tax levied within an agreed period. 50/50 split between first-time buyers and social rented, social rented element delivered by housing trusts in the normal way", and that is an interesting concept because this idea that the construction industry is going to develop has been challenged and it was challenged as far back as September 2010 when policies H1 and owner-occupied affordable homes in the Examination in Public in 2010, that was challenged and the group that was working on that said the burdensome mechanism suggested by policy H3 was debated at length by the panellists at the Examination in Public Session 3 Affordable Housing. It was universally agreed policy H3 was unlikely to work and without some return to the principles of the Island Plan 2002 when policy H1 was some of the most suitable rural sites being rezoned for

Category A housing. So, it is basically saying, and a lot of the construction industry have been saying quietly because they do not want to be seen to be saying it, and in fact some of them have been told not to say it for fear of losing their supplies and their jobs, that this policy which was introduced initially at 40 per cent, oh just throw in a number and then knock it down, and now it has been mooted at 12 per cent, and I have been making the point what does that mean? Initially there was no actual equality across the scale. It was going to be judged by delegated powers as to what the percentage would be. So, you could have an example of the kind of dwellings we see for the Metropole site here in the newspaper, high density, doubling of floor space and they could put in a development proposal and they could say: "Well, look I know we are meant to be in the initial stages of all of this and we will get our plans in first because the initial stages mean we have to provide less, let us get the plans in now, then look, I tell you what, instead of us being able to provide social housing, which really does not go down well here at all and will devalue the rest of our properties, how about instead of giving you 12 flats or whatever it is, 12 per cent of 187 flats, instead of us giving you those flats or those dwellings why do we not just give you some cash anyway?" and that is all well and good but where is the ring-fencing for that cash? This is exactly what happened in the Sunshine Hotel. After 10 years of dilly-dallying it was sold for £3.25 million and the cash disappeared into the Treasury, not a single unit of accommodation was made with that money. It was probably spent on making sure we had enough golden parachutes to hand out, and the same was said in the conference we had which was basically, "Grab hold of me, we are jumping out of the aeroplane, of course the parachute works, we will talk about it on the way down". So, what the small businesses are saying, if they are saying it at all because a lot of them are whispering it, and it is not just small construction companies, it is real estate companies, it is architects, it is carpenters, it is plumbers, it is electricians, they are saying that they believe this policy will not work. It will not bring forward land and it favours most importantly the big businesses in Jersey, the big developers. It favours the big developers, and where are we going to put these houses that are so desperately needed, although we have only calculated half of them on States-owned land? Setting aside from the fact that there is only so much of that to go around and one day there will be none of it left to build on, setting that aside and also setting aside the fact has anybody thought about leasing for 150 years that States-owned land, like we did with the Waterfront? What we are setting about doing is selling off. That is what we are going to do. We are going to sell off the choice sites that these developers in Jersey have been looking at for years and in return they are going to give us an equivalent of 12 per cent, maybe 14 per cent of affordable homes and likely as not if they get some of the choicest sites like Mount Bingham they will stick up buy to let share transfer luxury apartments.

Senator F.E. Cohen:

The Deputy, if he would give way, I think has misunderstood the policy. The policy does not work in the way that he is describing at all.

Deputy P.V.F. Le Claire:

The policy under this amendment is going to go out to consultation before it is implemented. So, what I am saying is the policy, as understood by the industry, and as I interpret it, will work in this way and this is why the industry is so concerned, and if the Minister is intending for it to work in a different way then I am sure the industry would be delighted to work with him towards a different route but, as they understand it, they will have to provide an element, and I am certain that was in the Minister's speech, an element of their build will either be affordable housing or there will be a commuted sum and that is what I am saying. The people that are going to build, getting back to Mount Bingham, luxury flats on Mount Bingham for buy to let people that live in Australia that want to evict local people when they cannot pay their rent, as I will demonstrate later, with children, chucking them out on the street, these properties, choice investments, probably will not have a single element of social housing on them. A States-owned asset sold at a pittance, let alone the strategic loss, the financial loss has not been calculated and even if they do which the big

companies do in the U.K. they say: "Right, instead of giving a commuted sum we will set up within our development a private trust arrangement, so we will have that social element on board and we will have a trust to manage it". Well, fine, but where is the trust law giving them the protection? In the U.K. all of these things - that are not working by the way in the U.K., this law, exactly same thing, is not working in the U.K. - they have got great protection for but not as good as the rest of the E.U. (European Union) as pointed out, they have got better protection than we do. There is nothing in the trust law, which is the Whitehead Review, to provide the security of tenure, et cetera. There is nothing in the assignment rights to say that the States will have an assignment right if we have the demand and, in fact, in the current trust arrangements those assignment rights have been diminishing, year on year on year. They are not set in perpetuity. At the beginning of the build it is let us take a figure, 27 per cent assignment rights to the States. So, we have got 20 per cent of those buildings we can put the needy in, and year on year on year as they become vacated they are filled and they decrease. So, there is no set in stone assignment right and those things have not been factored through, so I do hope I can work with the Minister for Treasury and Resources and the Minister for Planning and Environment in getting all of these boxes ticked, but they are not ticked at the moment. In fact the only box that is ticked at the moment is selling off States land under the guise of providing affordable housing, which delays the affordable housing that we need, which will be by self-recognition built upon the sites that were kicked out that Senator Perchard brought and I brought. They are not our sites; those are the ones that are recognised by the Minister in the first place way back in 2002, and a part of this Island Plan inspectors' report and the addendum included, which was recommending this amendment which the Minister is now doing, the trigger mechanism set. If you are not planned and if you are not underway within 2 years then you have got to go back to Samarès, Longueville, 1248 and Le Quesne's Nurseries, and I put it to Members where do you think they are going to go in 10 years' time? Sorry, I put it to Members through the Chair, where do we think we are going to build once all these States sites have been sold? We have lost the strategic asset. We have lost the opportunity of developing anything else there that we might consider is necessary in the future and we have just put off the need to address the housing crisis we are faced with. We will come back inevitably to these sites. I am at risk at losing Members now I have spoken for so long, so I would just like to say, to just try and sum this up, this affordable housing mechanism works in the U.K. but predominantly on ground, field and Green Zone land, that is where it is working in the U.K., and it is not even working there because the amount of mortgages that have been issued to first-time buyers where we have seen that report, *Generation Rent*, and I have got a copy of it, the amount of people that are taking out mortgages has decreased significantly and the value of mortgages to people has dropped something like 75 per cent and housing has not been built and the same thing will happen if we do this. The landowners will just pass it on to their next generation in perpetuity and the only way we can get it off them is through the new introduction of this notion that under the affordable housing policy we can compulsorily purchase it. Well, the last time we did a compulsory purchase it cost us £7.5 million in legal fees.

Deputy J.A.N. Le Fondré:

Can I just seek, I think, a point of clarification or correction from the last speaker? He made reference to, I think in relation to housing trusts, and obviously I am a member of a housing trust, to diminishing assignment rights. I assume he is referring to nomination rights of the States to nominate tenants to housing trusts. Can I say I do not know if he is relating it to one particular example, all I can say is in relation to our trust that is not the case.

Deputy P.V.F. Le Claire:

Can I just respond to that? I was indeed referring to one without naming it although there probably may be others. What I was suggesting is that there is no law in place to protect these things at this time. So, this notion that we are going to achieve a percentage of affordable housing is not going to be necessarily set in perpetuity.

[9:45]

1.1.8 Deputy S. Power of St. Brelade:

Just quickly on 2 points; Senator Le Gresley referred to the eligibility and gateway scheme on Homebuy Mark 1. The eligibility and gateway scheme on Homebuy Mark 2 or 22 or 26 will have to be different. It cannot discriminate against people that the Senator identified, as also for instance it may not be able to discriminate against gay couples, which is another issue. Deputy Le Hérissier referred to the group and the composition of the group, and I think the Minister for Planning and Environment has identified 3 Members here and he also has identified the Minister for Housing will be part of that group. It sounds as if it will be a large group and it will be an interesting group to chair because it is not going to be a happy place. My amendment, amendment 27, which I have withdrawn because there was no mood in the Assembly to support anything like that last week as was confirmed yesterday in the excellent speech of the Constable of St. Ouen who said: “Why throw everything out of the kitchen when parts of it need to be fixed?” One of the criticisms of amendment 27 was the fact that it would have taken more time for this Assembly to fix H3 and H1, and this is exactly what we are about to start doing now. Yesterday we did achieve a certain amount. We decided that at some time in the future some sites to be identified and proposed will be identified to construct 150 social rented houses, but these will only be done after the affordable houses have to be constructed, so they would do a return to Treasury on States-owned sites and all of that has got to be sorted out, so we have a lot of work to do and this panel has got a lot of work to do. Briefly, in the week since the rally that did not occur, that left myself and Deputy Le Claire struggling. There have been a lot of communications between the Minister for Planning and Environment and various bodies and in the build-up to this debate I spent between the date of my lodging of my amendment talking to lots and lots of people as to what their views were on this, and I make no apologies for doing that, and I have got a lot of correspondence in my papers from the Hospitality Association, from the Chamber of Commerce, from the Association of Jersey Architects and from the Construction Council, and Deputy Le Claire read a letter dated last Tuesday from the Construction Council saying that they still have reservations. So, therefore the point ... where we are now is that more work has to be done but the draft Island Plan in its present form, this particular section of it, what is happening now is exactly what I thought would happen: that more work has to be done and I am grateful to the Minister for Planning and Environment for bringing Deputy Le Fondré, myself and Deputy Le Claire into the work even though it is not going to be easy. I think that is all I need to say right now.

1.1.9 Deputy D.J.A. Wimberley of St. Mary:

I just hope we do not get into July syndrome and give this a thorough airing, which it is getting, which is good because in July 2008 just before the run-up to the election in July I imagine there was the same crush on debate after debate after debate and the incinerator and its associated fiasco went through. So, it is important to ask questions and I shall be asking the Minister some questions, which I hope he can answer in his summing up. The Constable of St. Peter talked about ... well, he asked the question rhetorically: “Why the opposition, why has this hit the sand, why are we going to have to set up a group to sort it all out?” and Deputy Le Hérissier asked a similar question: “Why are we delaying this?” and I do not know. I was at the E.i.P. (Examination in Public) 2, the second, well I was at both but I was at the second Examination in Public and there on the table was a document called *Affordable Housing Supplementary Planning Guidance*. I do not know how many Members have seen this. It is on the list on the website and it is dated August 2010. So, that is getting on for a year ago and it has in it practically everything we are talking about. In fact, it does have in it everything we are talking about and so that of course does raise the question, what happened between the White Paper with its 40 per cent contributions or 40 per cent affordable housing, then the Minister brings out the final draft at 12.5 per cent rising to 20 per cent backed up by this Planning Guidance which is draft outline S.P.G. (Supplementary Planning Guidance) August 2010 and then here we are nearly a year later faced with a last minute - really,

really last minute - amendment saying: "We are going to go back and talk with everybody again." Presumably it is 'again' - presumably we have been talking with them already but there is some problem, is there not? There is some problem. So, the first question to the Minister is can we have a bit of clarity? He may not be able to be entirely open but a bit of clarity on what is going on and what the areas are that have to be resolved. What is this discussion about? Because, as I say, we have had 9 months to do it already, so why are we still here? The second question is ... well, I want to refer Members to the assessment in here. Now, in this draft S.P.G. there is an economic model page sheet, which I attached with my P.90 I think, and that lists all the different costs. It is like a set of tick boxes, the value of the housing, social rented £2,300 per square metre, Jersey Homebuy £3,000 per square metre and so on, construction costs, fees, finance costs, number of parking, everything is on this and you end up with ... and buried in here at the bottom right, developer's profit, and my eyes lit up, what does the States think is an appropriate profit for developing a site and producing houses? The figure in here is 15 per cent G.D.V. (Gross Development Value), which comes from the kind of housing you build times the square metres times the type of housing. So, as I said, social rented is £2,300 per square metre, Jersey Homebuy £3,000 per square metre, first-time buyer £3,200 per square metre and market £3,750 per square metre. Now, these are indicative figures I think, but there they are in the guidance as the first suggestion, and the profit is down there as 15 per cent. I wonder if that was the problem. I wonder if that was the problem, and the Constable of St. Peter usefully said that in England they were surprised ... no, that was about a different thing, was it not? It was about the percentage of affordability. But, remember that that 15 per cent is after we have allocated, after we have done the split, so having insisted on X Homebuy and X social rented and X first-time buyer and X market, if that is possible of course, which is one of the jobs of the group presumably, then in comes the profit on the Gross Development Value of 15 per cent. So, on a £7 million project, which is not that big, the developer makes £1 million clear profit. Not bad, not bad, 15 per cent. So, I suppose the question is was that the sticking point and what does the States think? Is that an appropriate amount of profit for a developer to make and is that why they are running for the hills shouting: "Foul, foul?" Is it because they want more? I am really glad that we have an open model with all the things filled in with what the values are. We have a specified profit margin which we say we are going to hold the industry to, and each site will then negotiate on the basis of this economic viability model. It seems to me that that is the way we have to go on a small island with finite land resource and huge pressures on this whole sector; that we have to have some kind of control mechanism like that, and I am just wondering if that is not the problem, that it was specific, that it did say there will be an economic viability model for each site and it will be on this basis, and indeed the appendices in the S.P.G. spell it out, terms of agreement, planning obligations and so on. It is all quite precisely laid down. So, the second question to the Minister is will this standard viability assessment remain or is it going to go the way of the dodo? Because, I really think that we need to have a mechanism for controlling this area and saying 15 per cent; that is what we agree, that is a reasonable amount and basically it is open book. It is saying to the industry: "Fine, we will pass the sites and we want you to build houses but there is a quid pro quo that the profits are not exorbitant and they will be transparent". So, I think that I would like, as I say, the Minister to comment on whether this viability assessment will remain as the basic tool. Now, the commuted policy is spelt out in the S.P.G: "The commuted sum will be equal to the proportion of affordable homes required and will initially be set at 12.5 per cent of the Gross Development Value and will rise to 20 per cent in line with the increase in the proportion, the commuted sum becomes payable" et cetera, et cetera. So, all that is spelt out in the S.P.G. dated August 2010 and it is spelt out in the Island Plan as well, or is it? So, my third question is of the Minister, has H3 ... I am not clear now with this flurry of amendments what is still in the plan and it really, really matters because we have this legal issue around all this housing area, and we were told by the Attorney General yesterday that if something is in the plan it is less amenable to challenge than if it is somewhere else, i.e. S.P.G. or in the mind of the Minister, if it is in the plan. So, the policy H3 echoes the words I have just read out from the S.P.G. on page 255. "The application of this policy which will commence on 1st January 2012, the threshold levels for the scale of the

development will be incrementally reduced over time from 6 homes down to 2” and the second point: “The proportion of affordable housing to be provided will be increased over time. It shall initially be at a rate of 12.5 per cent rising incrementally to 20 per cent after 5 years. It shall be rounded up and so on, and if it cannot be done on the site then through a commuted payment.” That is all in H3 on page 255. Now, I want to know from the Minister whether that is still there because if it is still there then presumably it will trickle through to the S.P.G., unless the group decides something different, in which case it will have to come back to the House as an amendment, the 12.5 per cent rising to 20 per cent, even though we started off with a figure of 40 per cent and Constable Refault said that 30 per cent is the U.K. provision, that if the group says 12.5 per cent rising to 20 simply will not fly then does that have to come back? So, is it still in H3 as we are approving it after all these amendments? I just want to be absolutely clear on that of course because of the legal implications of it not being in the Island Plan. That is all for now, thank you.

1.1.10 Senator P.F.C. Ozouf:

Very briefly, I absolutely support the heart of the H3 policy aspiration that some of the uplift in value in terms of all sites is captured towards directing for affordable homes, and it is vital that this Assembly sends a very clear message that it is determined to do this. But this policy is introduced over a period of time and the important message that must be sent is that the policy will only get more burdensome over a period of years. If there is a suspicion that the policy is brought in and subsequently is brought back then there will be an issue of developers holding back from development and not progressing development on the expectation that somehow the burden of affordable homes is going to become less, and I think that is quite an important underlying principle in the overall annual negotiation. Of course it must be appropriate to the market conditions, in that I think the Minister has been extremely wise and reflecting the genuine concern of individuals about the effect that the policy could have on what is a very depressed development sector. I met with the members of the Construction Council yesterday on C.S.R. (Comprehensive Spending Review) update reasons.

[10:00]

Most of the big organisations involved in this sector, construction architects were there and we had a good debate about this whole issue, and I was encouraged by their requirement or their indeed involvement in wanting to engage in this annual discussion, which the Minister has set out in this amendment. The final thing that I want to say is to respond to Deputy Le Claire. Deputy Le Claire has been invited by the Minister to get involved in these discussions and I hope he does and I look forward to that, but I will say one thing before responding to the issue of Sunshine Hotel. It is important that we engage co-operatively with each other, that we do not take extremes of position and that we work together positively. Some of the contributions by the Deputy over the last few days have been at the extreme end of political debate. They have been hectoring. They have not been, if I may say to the Deputy with all politeness, they have not been very constructive and it is constructive engagement that we must work together and that is how we best solve solutions. He and others have criticised me for not setting up a planning group, which I intended to do, in relation to housing matters. But it is very difficult to have a group that has the polarisation views of trying to solve a problem. The politics of Jersey and the politics of sensible Jersey is the politics of the middle ground when we are working together, not on the extremes, and I just hope that Deputy Le Claire will almost curb some of his more, politely put, passionate interventions. I do not think he is doing himself any favours in doing what he really wants to do, which is delivering home ownership to people, which is something there is broad consensus in this Assembly of what to do. I will respond with this issue on Sunshine Hotel. I have signed a Ministerial Decision in the last 48 hours to use the receipt of Sunshine Hotel for the refurbishment of Pomme d’Or Farm. That is something that the Minister is not involved in because it is in his constituency, but we have made the decision,

because of the receipt of Sunshine Hotel, after consultation with the Assistant Minister for Housing and other interested parties - I think I have also discussed it with the Council of Ministers - that the valuable receipt from Sunshine Hotel should go, rightly, to the refurbishment of the stock at Pomme d'Or Farm and that means that there is going to be a residual underspend in terms of the balance on the fiscal stimulus money, which was my original proposal to deal with Pomme d'Or Farm. That, itself, is going to be possible ... subject to consultation with the F.P.P. (Fiscal Policy Panel) and wider consultation, I envisage that maybe that is going to be the solution to deal with Phillips Street shaft, which, in turn, is a prerequisite needing an infrastructure plan in order to then deliver social housing on Ann Street. So Treasury is working co-operatively and trying to find solutions, and I wanted to respond to the issue of Sunshine Hotel because the valuable receipt from a social housing site is now going into social housing and I hope Members agree that that is a wise decision.

Deputy R.G. Le Hérisier:

I wonder if I can ask the Minister for a point of clarification?

The Bailiff:

Not if it is about Sunshine Hotel. I appreciate that the Minister was responding to a point but it seems way off the ...

Deputy R.G. Le Hérisier:

Sorry, Sir, no; it is about the construction industry representatives he met because, again, I am wondering about what is going on there. Could he tell us how they saw the light when he spoke to them? I get the impression he came away much happier from that meeting than when he entered it. What transpired and what did they know at the end that they did not know at the beginning?

Senator P.F.C. Ozouf:

I was happy before the meeting and I was happy after the meeting, as I normally am trying to be optimistic. The fact is, I think genuinely there is a better understanding. The Minister has very carefully responded and explained how H3 will work, and I think that people jump to conclusions, inappropriate conclusions, about the impact of H3 and they also thought that this was somehow going to be imposed upon them at draconian levels, which were going to take out all of the land value and that we were not going to achieve anything at all. Engagement, working together, is how we solve problems generally. I got a message of an enthusiastic construction industry that was willing to engage. At the end of the day political decisions are required and tough decisions are required, but when you give the opportunity of people to engage they positively respond. That is exactly what the Minister has done and he is quite right to do so.

The Deputy of St. Mary:

May I ask a further point of clarification on a different tack? I think I heard the Minister say that the construction industry was having a hard time; it is always in the doldrums, always in difficulty or some similar phrase. Can the Minister confirm that that is what he said, that the construction industry is having a hard time? If he did say that, can he square that with the figures that show that employment in the construction sector is at its highest for the last 15 years and has been over the last 2 years?

Senator P.F.C. Ozouf:

Off the point, but the point has been raised. It is the future order book of the construction industry that is causing the construction industry problems. This Assembly, on my proposition for fiscal stimulus, avoided serious problems in the construction industry happening in the last 2 years and the construction industry has been greatly assisted by fiscal stimulus. The difficulty is that the future order book in the next couple of years is looking more difficult than perhaps one would want to see because of the drying up of credit. That is commanding the attention of myself and the

Minister for Housing and the discussions with S.o.J.D.C. (States of Jersey Development Company) in the capital programme, about how we can make sure that the construction industry continues at those buoyant levels of employment that we have seen as a result of this Assembly's action.

1.1.11 Senator T.J. Le Main:

I think I am a lot happier now than I was for the last few days. I am now more comforted than ever with the very firm promises made by the Minister that many of us will now be engaged or can be engaged with him in trying to promote and get the sites going on States-owned sites. But also he has now promised, and I think he has given me more comfort, that within 2 years or so - I am not sure we can hold the Minister to exactly 2 years - if the sites do not come online and no progress is made on some of these States-owned sites, at least the private sites that we have been discussing and which the planning inspectors have identified will certainly come back to this Assembly. So I am more than comforted with that. I am going to do all I can to work with the Minister and with other Members in trying to achieve that because there is a real need for homes for people; not only affordable but rental as well. I am going to work with the Minister with that. I would like to say, light-heartedly, that the Minister and I have got a private bet of £100 - the loser pays to charity by the way - that South Hill will be built on or commenced in 2 years' time and I believe that possibly I will win that bet anyway. So the challenge is out to the Minister and I hope that all Members will now, with the assurances the Minister has given us, work together to try to achieve really positive moves in providing homes for ordinary people and particularly the elderly.

1.1.12 Connétable K.P. Vibert of St. Ouen:

I, too, am going to support the Minister in this, but I have to say that I think we need to accept that there is a word of warning to be had with any sort of decision like this. I think that Deputy Le Hérissier hit the nail on the head, probably his own thumbnail, because he said that this Assembly is tempted to micromanage and I think that the more we try and micromanage the building industry, the worse it is going to become for us. We are not going to achieve what we want to achieve. Yes, we can try, but we have not really succeeded in the past. I remember when we brought in the 45/55 split in order to achieve social housing. The consequence of that was that first-time buyer houses went up by £100,000. So I think that if we are going to try and manage the market we need to do so with the industry on our side, not try and bring in rules that we then expect the industry to adhere to. So, yes, we need to move on with this policy. We need to support the Minister, but we need to be aware of the possible consequences.

1.1.13 Deputy M. Tadier of St. Brelade:

Just a couple of comments. First of all, I think I might have to declare an interest, if I have understood things correctly, because some of the H3 sites may have already been earmarked for Clos de Sables and Les Quennevais Park and I will be lodging a petition shortly to try and protect those sites until certainly the Lesquende project has been brought forward. I think it is ridiculous, in the St. Brelade/Le Quennevais context, to be looking for these small sites in an already very built-up area while there is a project, which has been ongoing and delayed for so many years, which would satisfy a much larger appetite for the needed homes in the Parish. So just to get that out of the way. I was pleased to hear Senator Cohen's invite for all interested Members to join the group, to contribute. I think that is the way forward and, for all of our slight disagreements, I know that Senator Cohen does try to be as inclusive as possible, certainly in his invites. That is why I was slightly disturbed to hear Senator Ozouf's words, which seemed to be directed at Deputy Le Claire, saying that basically only moderates and those in the middle ground should really be considered. That is what Senator Ozouf was saying. They were Senator Ozouf's words, exactly; that only those in the middle ground and moderates should be welcomed into the middle ground to make decisions.

Senator F.E. Cohen:

If the Deputy would give way; I have already invited Deputy Le Claire to participate in the groups and he has already accepted. I am looking forward to his participation.

Deputy P.V.F. Le Claire:

I think, if I may ...

Deputy M. Tadier:

No, I am not giving way, Sir. I never gave way to the Senator or to the Deputy and I was not referring to Senator Cohen's invite. Clearly that is already the case. Senator Ozouf made a statement that only those with middling views should be allowed to contribute and that those on the extremes in politics do not get things done. Now, this is a complete nonsense of a statement to make because we know that sometimes we need radical solutions to what is a very difficult problem in Jersey and the moderate middle way has not been able to solve these big issues in Jersey to do with housing. So what I would say to the Senator, who I hope is listening, is that we need a completely inclusive group. Senator Cohen is absolutely right to invite those with an interest in the subject because we all have, I hope, the same goal, which is to provide housing - whether that is to be purchased or to be rented - which is accessible to all Islanders and which is not limited to those who can afford it at the expense of those who cannot. So I will be monitoring the situation very closely and I will certainly be making my contribution to Senator Cohen or the subsequent Minister for Planning and the Environment.

1.1.14 Deputy D.J. De Sousa of St. Helier:

I am surprised it was so quick. I just wonder if the Minister could clarify; the group that he is setting up to look into H1, will it cover the H3 as well? **[Aside]** But there will be another group for that. Will that group be involved in the terms being reviewed yearly?

Deputy P.V.F. Le Claire:

May I, just for a very brief second, because my name has been mentioned and my behaviour, I would like to say that, while I do apologise for the shouting, I do not apologise for my emotions.

The Bailiff:

I am sorry; I had not seen your light. Was it on before I called upon the Minister?

1.1.15 Deputy G.P. Southern of St. Helier:

Just before Deputy Le Claire. I certainly would not want to miss out on this major debate that is going to live with us, unfortunately I believe, like a bad smell for the next 10 years, nor to miss the opportunity to register my reservations about this plan. They are very fundamental.

[10:15]

We appear to have discussed the plan overall without really noticing what it is trying to achieve in this approach that we have of talking about one amendment after another, a little bit here and a little bit there. We appear to have come, finally, to look at some numbers and nobody has mentioned those numbers for a long time, since about Tuesday last week. They got a brief mention. Are the targets right? Is what is being proposed to be delivered overall going to meet the need? The answer is, unfortunately, I think, the targets are wrong. So whether or not we have to withdraw chunks of policy on H1, whether or not we have the details of H3 and how things are going to be delivered ... and we do not. So whether we are going to achieve those targets really pales into insignificance alongside the central question: are the targets right? I do not know who it was who said it last Tuesday, but the targets are inadequate. I believe it was Deputy Le Claire. He is holding his hand up anyway. Previous estimates have been significantly higher on the demand required. The number of houses being delivered is insufficient in the light of targets to increase

migration by 150 heads of household, which already are failing to be met because we are riding straight through them and every year and every period that you examine over the last decade shows exactly the same. Until we get hold of our population policy we are chasing our tails trying to build enough houses to accommodate that rising population, yet very little attention appears to have been paid to that. So the targets are inadequate in the first place. The second thing that needs to be made, and it needs to be made time and time and time again, we keep using this phrase: “affordable housing, affordable housing, affordable housing.” The fact is that Kelvin MacDonald himself, in his major report, which came last year or the year before to the Minister for Planning and Environment, said: “There is no such thing as affordable housing in Jersey.” He starts with a 3-bedroom house, looks at that and says: “Hang on, that is a 17 to 19 times multiplier of the average wage. That is not affordable. Whether the mortgage companies are working or not, that does not make any sense whatsoever.” He then went through, came down and down, 2-bedroom flat, and you were down to around 7 to 8 times the multiplier for the average wage saying: “Even getting your foot on the ladder for the 2-bedroom flat so you can start a family, not affordable. Way beyond the 5 times salary and the 7 times salary that the worst of the housing boom people were lending.” Even a 2-bedroom flat, not affordable to the average wage earner in Jersey. There is no such thing as affordable housing in Jersey. Then we have got this Homebuy scheme, this deferred payment scheme, which we have been running for the past 2 years. Is it sustainable? Is that sort of subsidy to the market sustainable? I do not believe it is. If anybody can come along and show me the argument that says: “That is sustainable over the long-term and can be made to work and is not just leaching money permanently into the buyers’ market,” if they can prove it then I look forward to attending the seminar. Probably the Minister for Treasury and Resources, he likes his seminars, so he can probably prove that it is viable. But I simply do not believe it. Then we have this chaos that says: “Despite all of this, we put Category A housing, first-time buyer housing, affordable homes housing, straight in the pot that says ‘affordable’”, even though it is not. That confusion, we saw yesterday, says: “Hang on; because you are not clear about your definitions of affordable housing, Category A housing, you have opened yourself up to the potential, the possibility, of a challenge from a developer.” This is the policy we are pushing through: “Oh, we can sort that out later.” The Planning Guidance document; again: “We can sort that out later. Pass this now. It has been 4 years in the working up and we have not completed it. So please, Chamber, pass this because we have done our best. It is the best we can produce.” Is it really? Now, as I attended that meeting of the building industry they made a very strong argument that what was being asked could not be delivered and that it was going to probably decimate, worse than decimate, not one in 10 companies but many companies, many local companies. It was going to freeze up the market. People would not go forward with their developments in the light of what was being asked of them and there was a serious danger that small local companies with 2 to 6 house builders would find work drying up and would go to the wall and the long-term risk is that we end up only with the big-time developers, the big boys, and just a few of those. But we have to look at those and say: “The big boys are owned by whom?” Small builders are local builders. The big boys often are not. What have we done to our taxation system if we become dependent on big developers, big foreign-owned developers? Why, they are not financial companies. They are building companies. They are development companies. We are not going to get any tax out of them; so we pull out another leg of our tax-raising mechanism and ruin more ...

The Bailiff:

Deputy, this is a wide-ranging speech.

Deputy G.P. Southern:

It is indeed, Sir.

The Bailiff:

It is very difficult at the moment to see the relevance to this particular amendment, which is saying that the Minister will in fact come forward later with his Supplementary Planning Guidance on H3 which we will put to the States. Now, what is ...

Deputy G.P. Southern:

That is part of the defects that have been presented to us overall on this particular policy, which suggests that we will not be able to deliver and that is my concern, including the fact that the S.P.G. is not there. I am talking about the building industry. Until last week, until the Minister told us that the objections have suddenly evaporated and they are now wonderfully supportive, the building industry was saying: "Hang on; this policy will not deliver." One of the concerns was the S.P.G. and its absence.

The Bailiff:

The issue before the Assembly is whether to vote for this amendment and at the moment I am struggling to see ...

Deputy G.P. Southern:

I am urging people to vote against it, Sir, and I would be grateful if I did not have a chorus from the Minister while I am still on my feet. I am reminded very strongly of the words of the Constable of St. Ouen, who is probably the longest-serving Member of this House at the moment - there may be others; Senator Le Main behind him is even longer - who on many occasions has had very sensible words to say and contributions to debates. His words were: "I wish we had sought the co-operation of the building industry and talked to them first before arriving at this position of imposing conditions on the building industry, albeit that we are to debate the S.P.G. with them after we have voted this policy through." It seems to me he is right in saying this is the wrong way round. If we were spending 4 years devising this policy we should have been in serious negotiations and talks with them and be bringing forward something that we can guarantee, that we are clear, that the building industry was wholeheartedly supportive of and it is not. Just to return back to the worries about this particular aspect of this policy. Having listened to the building industry I was aware that obviously they have got an interest, a self-interest, and that they are obviously, effectively, a lobby group. My reservations come back to this numbers game at the very beginning. While they were saying: "12.5 per cent; hang on, will it not be 20 per cent soon? Then, when will it be 40 per cent" was one of the statements made and as soon as he said: "40 per cent", I thought: "Hang on" back to the numbers game: "What are we trying to achieve? Can we achieve it? What happened to the 45/55 split?" The 45/55 split is even more extreme, which apparently has been working. Where has it gone? The question is: can we meet the numbers that are proposed with the H3 policy and with the reservations about H1s and our own sites? I think the answer is no and I think the voting against this Plan has to start here with this particular amendment. I will be voting against it. I urge Members to vote against it because I do not believe that the Minister has shown that he can make it work.

The Bailiff:

Does any other Member wish to speak on this amendment? Very well, I call upon the Minister to reply.

1.1.16 Senator F.E. Cohen:

I will begin with Deputy Southern's extraordinary intervention; again, negativity from the "half-empty" Deputy. He claims it is going to decimate the industry. He claims the affordable housing policy is going to decimate the construction industry. What utter nonsense. The reality is that we are entering a negotiation phase with a specific requirement that the calculated formula must maintain the absolute vitality of the construction industry. Where is the Deputy coming from? I just find his comments becoming more and more extraordinary and, quite honestly, in this context,

rather curious. He has presented himself as the saviour of the construction industry; the grand saviour of the capitalist system: Deputy Southern. How extraordinary and what a turnaround. I urge Members to ignore everything the Deputy has said. As far as returning to more sensible comments made by all other Members, I will begin with Deputy Le Hérissier. There was always intended to be a Supplementary Planning Guidance. It was always intended that the Supplementary Planning Guidance would start to be commenced after the Island Plan was approved by the Assembly and would be in place by 1st January 2012. Nothing has changed. The Supplementary Planning Guidance will deliver all the details of the mechanism after a negotiation as described. The principle of the negotiation is not around the policy itself, the policy as set in the Island Plan, but it is around the establishment of the formula that will be used to deliver the gross notional development value where we need to balance 2 aspects: firstly, the requirement for affordable housing and, secondly, ensuring that we maintain the vitality of the construction industry.

[10:30]

There have been considerable discussions with a variety of aspects and sections and representatives of the construction industry at all levels through this extraordinarily extended consultation process. The reason that we have such a complex Island Plan with approximately 500 pages, more than 50 amendments and, if you include all the sub-amendments, over 80 amendments and sub-amendments to amendments is because we have gone through such a period of consultation where the more consultation, the more ideas. That is the purpose of democratic debate: to sort through all the ideas and deliver a plan that is, as I said at the beginning of my introduction to the Island Plan, the plan that represents the majority view of this Assembly. That is what we are debating presently. Deputy Maçon brought up the issue of the enforceability of the Supplementary Planning Guidance and the latitude that the Planning Applications Panel has. The Planning Applications Panel does have some latitude but the concept of this policy is that, once the rate is set for that year, the rate will be fixed for that year. So the Planning Applications Panel will not be expected to adjudicate on the level of implementation. Deputy Tadier raised the issue that we sometimes need radical solutions and he is absolutely right. One of the things I have learned in recent years is that the radical solutions of my Assistant Minister, Deputy Duhamel, are more often than not right and I would point specifically, as an example, to his views on automated car-parking systems, which he was ridiculed for only a year ago but are now standard practice in many jurisdictions all over the world and are very applicable to use in Jersey. That is an example where radical ideas deliver better solutions. I believe that the plan that we are debating today delivers a variety of radical solutions. The whole principle of the delivery of affordable housing through a mechanism of extracting value out of development and putting it into the affordable housing Category And ensuring that Islanders benefit, combined with the use of States sites, is radical. It is something that has never been done before. Previously, we, as an Assembly, have delivered affordable housing where we can through the concept of eating up our countryside. This is a different plan and it is radical and, yes, it is bound to have resulted in some objection from the construction industry because we are extracting value. We are taking value out of the process that commences with an agricultural field and finishes with a valuable house and indeed it is right and proper that we should be taking from that process an element of value, and that is what we have designed the policy around. Deputy De Sousa asked whether there would be 2 groups. Members are welcome to join whichever part they wish or, indeed, they may participate in both the H1 and the H3 negotiations and discussions and further work. The Deputy of St. John wanted to know whether the properties would be leasehold or freehold. In relation to Homebuy 2, that is really to come because presently Homebuy 2 is awaiting a final report from P.A.C. (Public Accounts Committee). They are working very hard on it and final information from the Comptroller and Auditor General. But, whatever, the principle must be that the affordable houses are available for future generations. The concept of continuing the principle of delivering affordable housing, one shot only and then it goes into the non-affordable category, simply must be stopped. We must find a mechanism, once we deliver an

affordable house, if it is sold, when it is sold, that that house is available to another family who are on a lower income. The Constable of St. Peter helpfully made the point that the policy as proposed is significantly less onerous for the industry than in the United Kingdom and that, of course, is the case. He suggested that local developers are making one-third profits and indeed that was the case. However, local developers at the moment, in many cases, are lucky if they are not making a loss. There is a great deal of property available on the market that is unsold that only a couple of years ago would have been sold or snapped up. There are many schemes that developers have part-funded that they are unable to continue with because they are unable to obtain continuing funding and the one-third profit has, I am afraid, rather gone out of the window. I will come back to the comments of Deputy of St. Mary, but he made the point that the calculations were based notionally on 15 per cent profit. That is less than the traditional level of profits that have been afforded in the construction industry locally and profits have been higher in Jersey than in most other jurisdictions. Senator Le Gresley raised the issue of whether Homebuy 2 would be available for young families. I made the point and used the term “families” not “couples”. It will be for the Minister for Housing to determine the gateway and I would suggest that Senator Le Gresley, who has clear views and valid views in this, should discuss these issues directly with the Minister for Housing, who will control the gateway. As far as Samarès is concerned, I can give no commitment to the House to, or to not, bring back Samarès as I will not be Minister at the time that that matter is considered. Deputy Le Claire gave a long speech, some of which I had difficulty understanding but the general principle seemed to be that he was a champion of the construction industry - fair enough, he is perfectly entitled to be; that the Association of Jersey Architects do not support the proposals before the Assembly - that, as I understand it, is not the case; the President of the Association of Jersey Architects is personally very supportive; and that the Jersey Construction Council does not support it at all. Well, the Jersey Construction Council has been invited to be members of the group. The invitation remains open. If they do not want to take up the invitation that, of course, is entirely up to them, but I understood they were enthusiastic to participate and were satisfied with the commitment that one of the main criteria would be maintaining the vitality of the construction industry and I earnestly hope that they will participate. His comments in relation to Mr. Waddington are certainly not the comments that Mr. Waddington has made to me and he has been particularly supportive of the general principles of driving out affordable housing from the general development activity going on in the Island. But I was very pleased that Deputy Le Claire said that he was happy to support this amendment. He made the very useful point, very good point, about ring-fencing and it is important that the mechanism that is brought forward ensures that the money that comes out in terms of affordable housing contributions is directed towards affordable housing. With the present Minister for Treasury and Resources, I have absolutely no doubt that that will be the case and that he will ensure that the money is properly directed when it materialises. Deputy Le Claire made the point that the U.K. policy does not work. Well, the U.K. policy does work and in fact it is working very well; so I am not quite sure where he got that information from. Deputy Power made the point that the group will not be a happy place to be. The group will be a very happy place to be. What better thing could States Members spend their time doing than delivering the dream of home ownership to hundreds of Island families? I cannot imagine why it would be anything less than a delightfully happy place to be and a delightful objective to deliver to many Islanders who otherwise will have no opportunity of owning their own home. The Deputy of St. Mary: I was a little unkind to him yesterday saying that he was always negative and did not produce any positive policies. It is a shame that he is not in the Chamber, but I think that that is largely because he is an idealist and this was something that was pointed out to me by my neighbour and friend Senator Le Marquand. We very often enter the Assembly with principles that are idealistic and we very often get those principles whittled away at for a long period of time until in the end we just end up, instead of proposing new ideas, simply pointing out the holes in other people’s ideas. I would urge the Deputy of St. Mary to continue with his environmental idealism because he is highly principled and he is a practising environmentalist who has many interesting ideas, many novel ideas and has much to offer the Island and this Assembly. Senator Ozouf made

the point that he supported the policy and he brought us a ray of sunshine and I was delighted to hear that he has made progress in relation to the Sunshine site. But he said that it is a good policy and that it is a good social policy and I agree with him. Senator Le Main, I am happy, was now comforted. The Constable of St. Ouen made very worthwhile points in relation to the construction industry, but the construction industry have been involved in E.i.P. 1 and E.i.P. 2. They have made submissions. They have had late submissions considered. They have been given specific accredited status in relation to the negotiations that are about to take place. I do not think that we could really do any more. I hope, therefore, that I have covered all the points. I urge Members to work together in ensuring that we bring forward the Supplementary Planning Guidance. I urge Members to work together to deliver the dream of home ownership to hundreds of Island families. I commend the amendment to the Assembly and I call for the appel.

The Bailiff:

The appel is called for then in relation to the 54th amendment, as amended. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 35		CONTRE: 2		ABSTAIN: 0
Senator P.F.C. Ozouf		Deputy G.P. Southern (H)		
Senator T.J. Le Main		Deputy M. Tadier (B)		
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisser (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				

Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

Deputy J.A.N. Le Fondré:

If I could, a few words, Sir; I will keep it as short as I can and then I will be withdrawing this amendment. The only reason I want to make some comments is to basically make Members aware as to why I brought my amendment in the first place, particularly because there has been a degree of furore, if that is the right expression, in the past couple of weeks surrounding this whole issue. I think the first thing I want to say is I stress that I lodged this proposition of my own volition. I was not put up to it by anybody else and I do not consider myself to have been performing someone else's wishes. Just to give some credence to that, I have obviously been involved in the progression of this plan for quite some time, along with a number of other Members. I dug out my original submission from March 2010, which included over 50 comments; some in agreement with the plan, some pointing out some inconsistencies, some even numerical matters. But in relation to H3, I was concerned at the time that the proposed level of 40 per cent could be an extremely considerable burden and, indeed, at that time - and I had forgotten this - I also commented that I thought this area of the Island Plan should be simplified: "A small working group established to consider this and for the proposals to be brought separately back to the States" essentially in order not to delay the plan. That, to an extent, is because I felt further work needed to be done when we saw the final proposals that came to us when the draft that we are debating came to us. Obviously, as well, in the back of my mind were various undertakings that had been given, which Deputy Power has referred to, when Homebuy was originally produced about the Supplementary Planning Guidance being issued, et cetera. In fact, the reality was that the first transaction took place before the S.P.G. had been finalised. All I wanted to say is that is why I lodged this amendment, particularly about, as far as I see, aspects of this are a tax and, therefore, I rather felt that it was important for this Assembly to endorse the detailed proposals once we know them. But what I would also like to stress is that neither Deputy Power nor I knew of each other's amendments until around the time of lodging. We had not discussed them and it is only subsequently, and I repeat subsequently, that I was approached by one or 2 parties because they wanted me to understand greater detail of their concerns. It was after the event.

[10:45]

What I do note, just to conclude, obviously there has been a lot more information provided by the Minister. I note that 2 key paragraphs we have now approved for deletion from the plan, and obviously thank the Minister for agreeing to the very last-minute amendment that he brought that will bring the S.P.G. back for endorsement by the States. Hopefully I have also understood the Minister correctly in that if there is anything that is significant that is inconsistent with the final version of the S.P.G. versus the plan that we are adopting that would also have to be considered at the time. That is all I ever wanted. Hopefully it will ensure there is requisite clarity of the final check that will come back to us for endorsement and, on that note, I conclude and I withdraw my amendment.

Deputy P.V.F. Le Claire:

Sir, may I, on a point of order, just ask you: in the Minister's summing up speech he referred to me as a friend of the construction industry. Is that not impugning my motives, which I believe it is? I have been sitting here quietly pondering on that and he has inferred that my actions have been derived because I am associated as a friend of the industry, which makes 10 per cent of our economy, I put it to Members: carpenters, electricians, plumbers, painters, decorators, as well as developers and they deliver homes. I think I would like the Minister to consider what he has said.

Senator F.E. Cohen:

I said that he had styled himself as a friend of the construction industry. It was not impugning his integrity in any way. He is entitled to be a friend of whoever he wishes.

The Bailiff:

I did not interpret it as carrying any improper imputation, Deputy, and the Minister has clarified that now.

Deputy P.V.F. Le Claire:

It is just the innuendo but I accept the fact that I can choose my friends, thank you.

1.2 Island Plan 2011: approval (P.48/2011) - forty-first amendment (P.48/2011 Amd.(41))

The Bailiff:

Very well, then we come next to the 42nd amendment lodged by the Minister and I invite the Minister to propose it. Minister, there is no rest for the wicked. You are now...

1.2.1 Senator F.E. Cohen (The Minister for Planning and Environment):

This amendment is related to the amendment of Senator Le Main about the duration of planning permissions for sites affected by Policy H3, affordable housing. I am grateful to my friend Senator Le Main for raising this issue, and he is my friend again. I accept the principle thrust of his amendment to initially limit the validity of planning permission for development proposals that are impacted by Policy H3 to 3 years. This will enable the development industry a reasonable time in which to implement residential planning permissions. The standard validity of a permit is currently 5 years. In the event, however, that developers are seeking to sit on consents to avoid a more onerous requirement to deliver affordable homes as the thresholds for the provision of affordable homes increases over time, I will keep the matter under review during the lifetime of the plan. To this extent, I have proposed my own amendment that makes my intent to do this clear. I hope Members will support my amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Senator Le Main?

1.2.2 Senator T.J. Le Main:

Mine is a very simple amendment and the Minister has accepted the need to have a specific time to make sure that sites are not sat on like at La Moye, St. Brelade where sites can be sat on for years. It is really a very simple amendment and I am very happy to work and to continue to work with the Minister and thank him for assisting me on this.

The Bailiff:

Just so I am clear, Senator. We are at the moment debating the Minister's amendment but you are saying that ...

Senator T.J. Le Main:

I am happy to combine mine with my comments to the Minister on his, Sir.

1.2.3 The Deputy of St. Mary:

I just seek clarity from the Minister. Are these 2 amendments in the running order, amendment 42 and amendment 1 from Senator Le Main, additive or is the Minister seeking to replace the one from Senator Le Main? If what he is suggesting is that we replace the one from Senator Le Main then we lose the condition about groundworks being completed, substantial work being completed, within 3 years, which is the smoking gun, if you like. It makes the developer use the land within 3 years. So I just want clarity from the Minister about what exactly it is we are doing here. I am not quite clear.

Senator F.E. Cohen:

It is my understanding that my amendment seeks to simply define more precisely an element of Senator Le Main's amendment.

1.2.4 Deputy G.P. Southern:

I just want to give the Minister a little surprise to say I fully support his amendment because this has been a long overdue. Time-limited consents have been long overdue because there is a lot of land out there being simply sat on.

Senator F.E. Cohen:

I am bowled over; thank you. [Laughter]

1.2.5 Deputy P.V.F. Le Claire:

I am going to choose to support my friend the Minister [Laughter] and my friends in the greater world, the homeless and first-time homebuyers. In the most recent report, a combination of work that was done by Housing and Planning and the Statistics Department, identified that key workers in Jersey, along with those in the U.K., were struggling to be retained by local councils because of lack of affordable housing, and those friends that I would like to say I am choosing are nurses, teachers, police officers, prison officers, probation officers, local authority planners, fire fighters, environmental health officers, some members of the Ministry of Defence - those that have got the guns anyway - and the Highway Agency traffic officers, in case I park my car incorrectly. Those are all vested interests I have. I have an interest in all of the community and, in supporting this, I am going to get behind the Minister because it is highlighted further in this report that there have been problems with the slow delivery of the houses that we sanctioned in regards to 2008. Unless those are brought on in a speedy way, it says in this report - which Members could have read if they had wanted to and they can read if they want me to forward it to them - from the planning officers, the most recent availability land assessment/housing document available, they say quite clearly: "Unless we have got H1 policies in place, the elderly are going to be in trouble and all of these key workers are going to be more difficult to recruit." Just to quote one paragraph to finish, so the Minister for Health and Social Services can take cognisance of what I am saying: "As a consequence of the difficulties associated with access to suitable and affordable homes, Health and Social Services are experiencing significant difficulties in recruiting and retaining nursing staff. This is reflected to an extent in the age of the workforce", which is shown in a graph: "The problems are also compounded by the increase of people leaving the nursing profession and predicted shortages of nursing staff in the U.K. over the next 20 years. The majority of staff leaving the profession in Jersey does so in their mid to late 40s. To date the reasons given for leaving have proven difficult to quantify accurately. However, it is expected that they relate to a desire to make a final career move, which allows them to make more permanent provision for their housing." I am supporting this. I am supporting my friend the Minister for Planning and Environment. I am supporting my friend the Minister for the nurses, the Deputy of Trinity, who is doing a wonderful job at Health, and I am also supporting all of those key workers and the homeless as well. So I have declared my interests.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Minister to reply.

1.2.6 Senator F.E. Cohen:

I would just like to say that I am pleased to be listed as a friend of Deputy Le Claire's ever-growing list of friends and I commend the amendment to the Assembly.

The Bailiff:

Very well, all those in favour of adopting this amendment kind show. The appel is called for in relation to the 42nd amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 32		CONTRE: 0		ABSTAIN: 0
Senator T.J. Le Main				
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator F.du H. Le Gresley				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.3 Island Plan 2011: approval (P.48/2011) - amendment (P.48/2011 Amd.)

The Bailiff:

We come next to the first amendment lodged by Senator Le Main. Minister, will you be accepting this or are you proceeding with your amendment to it? This is the one where you have an amendment wanting to remove the reference to the full groundworks being completed during the 3-year period.

Senator F.E. Cohen:

No, Sir. I am happy with it.

The Bailiff:

You are not going to be proceeding with your amendment?

Senator F.E. Cohen:

That is correct, Sir.

The Bailiff:

You will be accepting what Senator Le Main has put forward. Very well, then I invite Senator Le Main to propose his amendment.

1.3.1 Senator T.J. Le Main:

I do not have much to say. I just rather hope, with this amendment, that if a decision had to be made on the 3 years then it would be on commonsense grounds and I just do not want to see sites sitting around for years and years with developers sitting on them after they have been rezoned. I concur very much with what Deputy Southern said about it before. I would like to propose it and thank the Minister.

The Bailiff:

Is the amendment seconded? **[Seconded]** Minister, just to confirm you are, therefore, formally withdrawing your amendment?

Senator F.E. Cohen:

Correct, Sir.

The Bailiff:

Does any Member wish to speak on the amendment of Senator Le Main?

1.3.2 Deputy J.M. Maçon:

Very briefly. I am supportive but I would like to congratulate Senator Le Main for bringing this, particularly to do with the groundworks provisions. There have been times when we have been on the Planning Applications Panel where perhaps a shovel has folded a bit of soil and, therefore, it can be argued that building works have commenced. In that time perhaps a new plan has come along and so when people have come back to alter plans we have been in a situation where we have had to use perhaps some of the older policies to justify something when under the new policies it may not be permitted. I think by fleshing it out so that substantial works have to be included in order to keep the building permit, as I understand it, is a very welcomed improvement and I will be supporting this amendment for those reasons.

The Bailiff:

I think the Greffier has recorded the Minister as having allowed a telephone to go off and, therefore, will be due for a fine.

Senator F.E. Cohen:

I will pay the fine but I am not entirely sure it is my fault. I am just examining whether there is a device under the table. **[Laughter]**

1.3.3 Deputy M. Tadier:

I knew we were allowed BlackBerrys in the Chamber but I have never heard of a fax machine going off in the middle of a debate before.

Senator F.E. Cohen:

That is why I do not think it was me.

Deputy M. Tadier:

Of course, one must make sure one gets one's fax straight before one sends it. **[Members: Oh!]** It is a pun I have been longing to get out in public for a long time. Of course, this amendment is to be welcomed but one area that I would like to bring up - I think it is linked to this and I do not think it is something that the amendment necessarily covers - is that there is also a concern from members of the public I have spoken to, which I think is a valid concern, about derelict buildings that are lying around as well. Of course, it may not be land that has been rezoned or is awaiting building or planning consent or whatever the particular scenario is. There are lots of buildings in Jersey, for one reason or another, which are lying derelict. They are not being used. They are in prime sites. We know that we have a housing shortage. We know that we have a land shortage in the Island. I think at some point this will also need to be addressed. Whether those sites have fallen into disrepair just simply because the owners cannot afford to do them up or there has been a deliberate considered effort to just leave those so perhaps, if they get so much into disrepair, at some point they can get planning permission and make some profit from that. I certainly support this but I would like whoever is the relevant Minister for Housing and Minister for Planning and Environment in the future to really get to grips with this area, which I think does need fairly urgent attention.

1.3.4 Deputy P.V.F. Le Claire:

If we do this what we are going to do is set a fire underneath the need to develop and, as outlined in this report, this is the first-time buyer section - again, this is the report on the needs as identified earlier by Deputy Southern and it is what I have been saying, working to half the numbers - it says: "Calculations based on the 2007 Housing Needs Survey indicate an estimated requirement for between 1,265 and 1,320 first-time buyer homes for the period 2008 to 2012. For the purposes of the draft Island Plan, these requirements are effectively reduced by 500 homes for the period 2009 to 2013 because of the decision to only include half the identified latent demand for new first-time buyer homes in the first 5 years of the plan." It then goes on to talk about the fact that all of these homes and all the anticipated completions tie in with an assumption of a supply of Category A homes in a timely manner. It says this: "The conclusions reached with regard to Category A land availability are reliant, to varying degrees, on a number of underlying supply assumptions." Those are: "All the sites zoned for lifelong homes and first-time buyer homes in P.75/2008 will come forward for development." Those are 300 homes: "In some instances this will require renewed urgency to ensure delivery in the required timeframe." The other reason it says: "All the sites proposed for rezoning for Category A housing purposes in the draft Island Plan will be approved and developed." That is 200 homes made up of windfall sites and whatever, people building homes for nothing. The last one: "In addition to known commitments there will be a further supply of Category A homes from town regeneration developments and windfall developments elsewhere," approximately 80 homes. This is important for us to take cognisance of because they also say that we need to keep an ever-watching eye on this from a scrutiny perspective. It is particularly important that we get these sites built in a timely manner because we have got the silver tsunami on the way.

[11:00]

Nobody knows this better than the Minister for Health and Social Services and her Assistant Ministers, but this is outlined quite clearly for us to understand in the following terms: "The Housing Needs Survey identifies a requirement for some 400 dwelling units for older people in the 5 years to 2012. The evidence suggests that these requirements will be met by recent completions and sales by outstanding commitments. However, this will rely on recently zoned for lifelong homes, approximately 180 homes, coming forward in a timely manner and, as previously inferred, progress to date appears to have been relatively slow." As I said before, and we have been encouraged, let us all go to look at the wonderful homes in Trinity. Yes; well, they are the only ones that have been built. You cannot look at the others. They are still greenfields; tractors in

them. It says, finally, and I think this is important for Scrutiny members: “This area will need to be kept under particularly careful scrutiny because demand for older persons housing is likely to increase dramatically over the next 20 years as the number of residents over working age source ...” The statistics used by KPMG, which I was sent by the Statistics Unit, give us proof that at the end of this plan, at the end of this 10-year period, there will be an additional 10,300 people over the age of 55 in this community with all the young ones looking to leave and buy their houses elsewhere.

The Bailiff:

Does any other member wish to speak? Well, I would, then, call upon Senator Le Main to reply.

1.3.5 Senator T.J. Le Main:

All I can say is that I would like to urge certainly one developer that I know of that is sitting on land, sitting on 2 Parishes in silence. They have been sitting there. Certainly one of the sites is from 2002 and I urge the owners or developers who are unable, for various reasons, to develop that land, there are some other developers currently with funds to develop and I urge developers, in the interests of people that need homes now, that they seek ways and means of disposing of this land to willing developers to develop this land. So I make the proposition.

The Bailiff:

Very well. The appel is asked for then in relation to the amendment of Senator Le Main. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 36		CONTRE: 0		ABSTAIN: 0
Senator T.J. Le Main				
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				

Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

I did hear a mobile phone ring just now. Is anyone pleading guilty to it? Anyone in the gallery or ... is it the *Jersey Evening Post*? I am sure they can afford to ... **[Laughter]** **[Approbation]** No, no, I think this gentleman is saying it is not him but if it was the *Jersey Evening Post*, I am sure they can afford to make a contribution. **[Aside]**

1.4 Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - paragraph 3

The Bailiff:

Very well. Then we come next to the 20th amendment, paragraph 3, lodged by the Deputy of St. Mary. Do I understand, Minister, that you will be accepting this amendment?

Senator F.E. Cohen:

Yes, Sir.

The Bailiff:

Then I invite the Deputy of St. Mary to propose amendment 20, paragraph 3.

1.4.1 The Deputy of St. Mary:

I have 3 amendments on open space. If I say what I want to say about open space and why I am so concerned about this and why Members should vote for all 3, then I will not need to say it again so I am sure that will meet with approval. **[Approbation]** Why should a country Deputy be so bothered about open space in St. Helier? I will tell you why, because I live in the most beautiful Parish in Jersey **[Laughter]** **[Aside]** ... oh, I have just lost some votes. I live in one of the most beautiful Parishes in Jersey - they all are - and if we are to protect the landscape, the beautiful countryside of Jersey for the future, then there is a corollary in my view. There is a moral obligation to help town to be as lovely as we can do so. The plan does call for quality urban living, it calls for it consistently, and my amendments seek to ensure that the plan walks the walk as well as talks the talk. I would just quote 3 excerpts from the plan just to show how embedded this notion of open space and the quality of life in St. Helier is. Paragraph 4.17, the aim is to regenerate the town to: “create a vibrant, compact and characterful town that is worthy of its role as Jersey’s capital and principal settlement with an economically sustainable future and which offers the highest quality of life for its communities.” Well, Amen to that but, as I say, we need to make sure that the plan walks the walk as well as says these wonderful things. In 4.19, it gets even more dramatic: “Through this, St. Helier will enhance its role as Jersey’s main town in the focus for Island life and it is hoped will become one of Europe’s most desirable and vibrant harbour towns with a world-class financial district and tourist accommodation, improved architecture, shopping, public spaces, leisure and arts facilities and a place and destination of choice to visit.” One of the needs under the objective underneath that is to establish the town park as: “part of a network of

high quality open space.” So there is the vision, and there is just one more that I would like to summarise, in a sense what the plan says about open space and its importance, because then we come to whether we can deliver it. Paragraph 8.39: “There is increasing recognition and acceptance, however, that the quality of the overall environment and the perception of a town’s status and identity are heavily influenced by the quality of its public realm, the streets, parks, squares and spaces that define the public areas between buildings.” So that is what the plan says. It says open space is important, quality of life in the town area is important and so my amendments are focused on making sure that this happens. That is more difficult than one might imagine because there is always the pressure, when faced with a piece of open land in our urban areas, to say: “Build on it, build on it, build on it” and we have seen that again and again. So that is the default assumption. If there is a car park liberated by the Sustainable Transport Policy, build on it. We saw that with Lemprière Street that the Constable of St. Helier was going to sell to Dandara for well over £2 million, just a few parking spaces. That shows the kind of values we are talking about and we have to have another value. We have to have a clear memory in our mind and a clear vision going forward that this does matter, that it competes with residential and other built uses on an equal basis. I just want Members to just imagine getting out of here at 12.45 p.m. - that should not be too difficult to imagine - and you go out of the door into one of our finest open spaces, the Royal Square, and just think of the value of that space and all the uses to which it is put.

The Bailiff:

Deputy, I am sorry, I have just been advised that we have become inquorate. Usher, will you summon Members back, please. Very well. I think we are now quorate. Please continue, Deputy.

The Deputy of St. Mary:

As I was saying, just bear in mind, think of what it is like when you walk out into the Royal Square, sunny or not so sunny, the variety of things that go on in that space and how wonderful it is. Then you move on a few yards to Broad Street, which the Constable and I think the Minister for Treasury and Resources and others sweated blood to transform that space, and is it not a wonderful place to walk through and sit and have your cappuccino or whatever. Then you go a bit further and there is an interesting space outside the Town Hall, which is the sort of space that we are talking about in my set of amendments as well which is a small triangular parcel near the Town Hall. I used to laugh at that. There were a few benches and, in fact, there was a huge set of bins and it was just so lovely and pigeons sort of nibbling and gulls, and now the bins, I think, have gone and there is a lot more seating. The last time I went past a few days ago, the coffee man was there with his bicycle trailer and people were queuing to have a cup of coffee, sit on the benches and it was just a social space. It had been reclaimed. It was somewhere that people could stop and meet each other and get a cup of coffee in the open air. So just remember those things as we come to the detail. So the 3 amendments. One is about access to open space; one is about monitoring the provision and one is about ensuring that we have delivery. This first one is about the monitoring and I will just take Members through it and then we can all vote this through quite happily, I hope. Proposal 18 on page 283 is the proposal for the open space strategy and you notice it is not a policy, it is a proposal which is already weaker: “The Minister will, in consultation with relevant stakeholders and through engagement with the local community, develop and adopt an open space strategy”. The second bullet point is: “To develop Jersey’s standards for the provision, quality and accessibility of open space”. The provision, Jersey standards for the provision and what this amendment seeks to do is to add to the monitoring, the indicators, in SC01 which is a yellow box for indicators to add to those indicators to what extent we have met the standards that we have discovered we should have. So if we decide there are so many square metres per hectare of Built-Up Area that should be open space, to what extent have we fallen short, to what extent have we met the standards which we set ourselves? That is what this amendment is seeking to insert into the plan.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment?

1.4.2 Connétable A.S. Crowcroft of St. Helier:

Just a couple of things. I am very pleased that the Deputy has brought his amendments on open space, which seem to me to complement the ones that the Roads Committee and I have brought to the plan as well. It clearly does not require a major debate. All of the open space amendments have been accepted by the Minister. I would correct the Deputy when he referred to me having sold Lemprière Street car park to Dandara for £2 million. It was not, of course, me; it was the Parish Assembly that decided to sell the land and then, of course, that has fallen through and that open space behind Cyril Le Marquand House is now available for whatever use the Parish Assembly decide will be best suited for it. I would perhaps just take issue with one comment raised by the Deputy. It is not his comment, of course, it is in the Island Plan at the moment. It refers to Jersey standards for open space provision and it does so because, as far as one can tell from the somewhat obscure text of the plan at that point, our standards are not likely to meet the U.K. ones. So I do not accept that we should be talking about Jersey standards of open space just because we cannot compete with a place, amazingly, like London for its provision of parks per capita of population. There is a big piece of work to be done, as big as the piece of work that needs to be done on housing, on open space and I believe that in the coming years this Assembly will need to be bold and visionary when it comes to providing open space for St. Helier. Why does it have to do that? Because this plan proposes to put most of the development that is coming for housing and other uses into the urban area. I include St. Saviour in that as well. If this House is not prepared to provide serious amounts of new open space and, as I say in my amendment, the Millennium Town Park should be the first of a number of open spaces delivered in the 21st century, then you cannot have it both ways. You cannot expect people to live and work in the town to save the countryside, and I support that it is sustainable. It is good for town but you cannot expect people to do that without really wonderful pieces of open space.

[11:15]

The “Pocket Park” referred to at Hectors is tiny. It is valuable but tiny. I believe we need to be thinking in a visionary way and I have been called “bonkers” by the Minister for Treasury and Resources for saying it but I am going to say it again. I think we need to be rethinking what we are planning to do with the Esplanade Corner. That is currently a very important car park. It is also a very important piece of open space between tall buildings that are now fringing it. I think we have to be thinking about whether it is in the best interests of the Island to be putting an enormous development of offices and accommodation on a space which could provide a really important open space and possibly one that, in 50 years’ time, people will look at as a kind of central park for St. Helier. Anyway, I offer these thoughts to support the Deputy but simply to say that while all of these open space things are accepted by the Minister for Planning and Environment, without some bold decisions and some visionary decisions by this Assembly, open space is going to be short-changed in the coming years.

1.4.3 Deputy D.J. De Sousa:

I too would like to echo the comments of my Connétable and also to say that this amendment will complement my amendment on amenity space way, way back last week.

1.4.4 Deputy J.B. Fox of St. Helier:

I concur that amenity space in built-up and especially densely populated areas such as St. Helier is important but the quality of the amenity space is also important. In the old days, we used to have park wardens who used to go round, who used to support keeping the park tidy and report things to the Parish authorities or the States authorities when things needed to be amended or to be improved. But more to the point, it allowed supervision for our young people to use the parks and gave peace of mind to the parents, especially in town and built-up areas, and especially those that are working

and their children leaving school at an earlier time than when the parents were able to supervise them to the extent that we all desire. I just bring that as a point to add to what has already been said.

The Bailiff:

Does any other Member wish to speak? Very well. I call upon the Deputy of St. Mary to reply.

1.4.5 The Deputy of St. Mary:

I thank those who have spoken. Clearly, there is not much need to comment in detail. I would just pick out what the Constable of St. Helier said and I take his correction on the Parish Assembly selling that land or trying to. Where he says a big piece of work on open space, there has been a big piece of work already in terms of trying to add up the amount of open space there is in Jersey and classify it, a typology of open space, but it does not go that extra step. It does not say the people in the countryside have got open space. It does not have a gate on it. It does not say children can play here but it is nevertheless open space and so are the beaches, of course. Yet, when you come to town, it is a different ballgame and the language becomes ambivalent and so on. I do take his point. I think it is a very important point about this business of the value of open space versus other uses and the battles we are going to have to wage on this with, if you like, the Minister for Treasury and Resources with that kind of attitude, that this is not the highest value use. Well, I am sorry, there are many, many proofs that green space is of immense value. There is a document I have here - I will not read bits of it out - from the C.A.B.E. (Commission for Architecture and the Built Environment) and it lists the benefits and values of open space which are enormous, both in health terms and in economic terms and in the way that people think about their own urban environment and the benefits they derive from it and the way they think about the local authority as well, in fact. So I commend this amendment to the House and I hope that all will support it.

The Bailiff:

The appel is called for, then, in relation to paragraph 3 of the 20th amendment lodged by the Deputy of St. Mary. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 34		CONTRE: 0		ABSTAIN: 0
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F.du H. Le Gresley				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				

Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.5 Island Plan 2011: approval (P.48/2011): fifth amendment (P.48/2011 Amd.(5))

The Bailiff:

We come next to the 5th amendment lodged by the Deputy of St. Martin. Now, Minister, I see you have lodged an amendment to this one. What is your approach? If your amendment is adopted, are you willing to accept the amendment?

Senator F.E. Cohen:

The Deputy of St. Martin's amendment can be accepted but only subject to my amendment.

The Bailiff:

Very well. Then I invite the Deputy of St. Martin to propose his amendment.

1.5.1 Deputy F.J. Hill of St. Martin:

I believe that the proposed Policy SC02, which can be found on page 277, is too restrictive in that any new or additional primary or secondary healthcare facilities or alterations to existing healthcare premises would only be permitted within the grounds of existing healthcare facilities or within the built-up area. With an ever-ageing population, many of whom could have physical or mental health difficulties, there will be a need to house those people, whether it be provided by the Health Department or by the private sector. My amendment will allow, in exceptional circumstances, the provision for additional specialised healthcare facilities if supported by the Health and Social Services Department and where it can be demonstrated that no suitable site can be found within the grounds of the existing facilities or the built-up area. The inspectors engaged by the Minister for Planning and Environment recommended that a third category of class might be added to Policy SC02, which is proposed by my amendment. Unfortunately, the Inspectors' recommendation was not initially supported by the Minister and that is why the recommendation is not included in the amendments. However, my amendment seeks to alter that. I do not have a problem with the Minister's amendment. Indeed, I welcome it. It will allow for States Members to be consulted before any consent is given for a new build outside the existing grounds of the existing healthcare facilities or the built-up area. I make the amendment.

The Bailiff:

Very well. Is the amendment seconded? **[Seconded]**

1.6 Island Plan 2011: approval (P.48/2011): fifth amendment (P.48/2011 Amd.(5)) - amendment (P.48/2011 Amd.(5)Amd.)

The Bailiff:

Then, as we have heard, there is amendment lodged by the Minister. Perhaps I will ask the Greffier to read this amendment.

The Greffier of the States:

Fifth amendment - amendment, page 2. In sub-paragraph 3, after the words “can be identified” insert the following words “and where the rezoning of land for this purpose is approved by the States as a draft revision of the Island Plan”.

The Bailiff:

Yes, Minister, do you propose your amendment?

1.6.1 Senator F.E. Cohen (The Minister for Planning and Environment):

I am sympathetic to the Island’s need for healthcare facilities and the Deputy of St. Martin’s proposal to make an exception for the development of healthcare facilities in the countryside where no other suitable urban sites can be found. There is, however, the potential for such facilities to be significant in scale and their impact on the countryside could be great. Therefore, in order to ensure that there is a minimum impact upon the countryside, I have proposed my own amendment to the policy which will require any such proposals to first have the approval of the States Assembly as a revision to the Island Plan which is pretty similar to the approach I have taken in many other areas. I urge Members to support my amendment.

The Bailiff:

Very well. Is that amendment seconded? **[Seconded]** Does any Member wish to speak?

1.6.2 Deputy A.E. Jeune of St. Brelade:

I am very grateful to the Minister for bringing forward this amendment because while I fully understand that the Deputy, in his main amendment, was doing it for the right reasons, it was a bit too open for me to be able to accept it and I am really pleased that the Minister has brought this amendment because I will be able to support it all.

1.6.3 Deputy A.E. Pryke of Trinity:

Just briefly. I very much support this amendment and the main amendment. As we all know, Health and Social Services will, in the future, go through some significant change and it will be including some of the buildings too. So I think this leaves the options open and if there are any options to come back, that is anything needed to be rezoned, it is important that that would be a States decision.

The Bailiff:

Does any other Member wish to speak? Very well. Minister, do you wish to reply on your amendment?

1.6.4 Senator F.E. Cohen:

Thank you, I urge Members to support my amendment.

The Bailiff:

The appel is called for, then, in relation to the amendment by the Minister to the amendment of the Deputy of St. Martin. I invite Members to return to their seats. The Greffier will open the voting.

POUR: 29		CONTRE: 0		ABSTAIN: 0
Senator F.E. Cohen				

Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F. du H. Le Gresley				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.A. Vallois (S)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.7 Island Plan 2011: approval (P.48/2011): fifth amendment (P.48/2011 Amd.(5)) - as amended

The Bailiff:

Does any Member wish to speak on the amendment of the Deputy of St. Martin as amended?

1.7.1 Senator A. Breckon:

Just a couple of comments. I think this is welcome because a number of other Members have mentioned in the course of this debate about the ageing population, things we need to do and if you look at the Island Plan in general terms, there is nothing that jumps out that says exactly what is going to address that. When I looked through this, as well as the points that the Deputy of St. Martin has made, something I mentioned, I think it was yesterday, under Policy H7, housing to meet special requirements it says in there services on page 262: "Housing to meet special requirements. Proposals for housing to meet special requirements, including the specific needs of the elderly, and those with disabilities including sheltered accommodation, residential care and nursing homes, will be permitted provided that the development (1) meets an identified need; (2) is within the Built-Up Area boundary; (3) is not on land zoned for Category A housing purposes unless specifically provided for in a development brief." I would ask the Minister to take note of this because it could well be if we go back and look at the Rowntree model, then that is exactly what we would need to do and as part of a built community, there would be inclusion in it for everybody. People would not be excluded. So perhaps under Category A, the Minister would take note of what I am saying because I think it is an important part of how we progress in the future and there are perhaps sites that we have got already that we have not looked at that could be

incorporated in this because it is a very real need and I thank the Deputy of St. Martin for pointing this out because without that, it would have just come under the radar.

The Bailiff:

Does any other Member wish to speak? Very well. I call upon the Deputy of St. Martin to reply.

1.7.2 The Deputy of St. Martin:

I suspected it would be a short debate and, indeed, it is. I would like to thank Senator Breckon for his comments and, indeed, so, too, the Minister for Health and Social Services, who knows that I have liaised with the appropriate departments at Health who are very supportive of what is intended but, indeed, the proof will come in the pudding that when the applications do come, thanks to the amendment by the Minister, it will come to the States for consideration. I think I would also like to pay my compliments to the *J.E.P. (Jersey Evening Post)* in particular one of the journalists, who wrote a very good article about a month after my proposition was lodged and it drew attention to the difficulty we have in the Island, particularly with the increasing number of people who are suffering from dementia, et cetera, and I think it was very important to highlight the compliment that was to the staff who are working under very difficult conditions **[Approbation]** and we see here there was talk about the prisoners not having showers, but it was said here that there were no showers and only one bath for 17 patients and I think it just goes to show the pressure that the Health Department themselves are under financing, and probably the way forward will be by private companies or private businesses entering into this market to provide for secure premises, which unfortunately dementia sufferers will need. So all in all, I think it is a good day today but, as I say, the proof of the pudding will be when applications are made by future people who are interested in these sorts of premises. I make the amendment and ask for the appel.

The Bailiff:

The appel is asked for, then, in relation to the amendment of the Deputy of St. Martin.

Deputy P.V.F. Le Claire:

It is not pecuniary, but I think I need to declare an interest with my brother who works in that profession so I will be taking part in the vote but I do not think it is a pecuniary interest.

The Bailiff:

I do not think you need to say that, Deputy. It is very remote. Very well, the Greffier will now open the voting.

POUR: 32		CONTRE: 0		ABSTAIN: 0
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				

Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

[11:30]

The Bailiff:

Now, the next matter on the order is amendment 25 lodged by Deputy Gorst. Deputy Jeune, do I understand that you have been requested to present this on his behalf under Standing Orders?

Deputy A.E. Jeune:

Yes, Sir.

1.8 Island Plan 2011: approval (P.48/2011): fifty-seventh amendment (P.48/2011 Amd.(57))

The Bailiff:

Yes. Now, I have just been handed the 57th amendment, which has been lodged by the Ministry of Planning and Environment and so the Minister will need to ask that this be taken because it relates to this particular matter. Minister, correct me if I am wrong, but having had a very quick look, it seems to mimic exactly the wording of Deputy Gorst's amendment except it has a different plan. Is that right?

Senator F.E. Cohen:

That is correct. The reason for lodging this amendment is Deputy Gorst made an error in drawing up his plan. I, of course, as Minister for Planning and Environment, am the only Member who is able to lodge at this stage and therefore to assist Deputy Gorst, I have lodged this supporting amendment.

The Bailiff:

Can you assist Members? Have you discussed this with him? Does he know this is happening?

Senator F.E. Cohen:

Yes, Sir. My officers have been in discussions with him and he requested that the adjustment was made.

The Bailiff:

Very well. Deputy Jeune, you do not wish to say anything then? No. So do Members agree ...

Senator A. Breckon:

I was just going to ask the Senator if the Minister could indicate if he is supporting his own amendment on this occasion.

Senator F.E. Cohen:

On this rare occasion, I am.

The Bailiff:

Very well. Do Members agree that the Minister may debate this amendment? Yes, I take it that that is agreed. Very well. Then, so that is the next matter to be taken. Do Members have the amendment before them? Have they received copies? Very well, so the text can be seen. So Minister I invite you to propose your amendment.

The Deputy of St. Mary:

Have we had the original proposal proposed? This is an amendment to a proposal. I think...

The Bailiff:

No, this is not an amendment to an amendment. This is a substitute amendment so, in other words, the proposer is to take this one and then the other one will fall away because this one has the correct map.

Deputy P.V.F. Le Claire:

I have not seen this amendment.

The Bailiff:

Well, perhaps as it has come so late, I will ask the Greffier to read out the amendment.

The Greffier of the States:

Page 2. After the words “the revised draft Island Plan 2011” insert the words “(a) except that in the Social, Community and Open Space chapter (page 278) after the words ‘Proposal 13 Local Development Plans’, insert the following paragraph, and re-number those that follow accordingly - ‘7.38. To ensure and enable the development of community facilities which would benefit from a harbour-side location, to include the development of a new headquarters facility for the Jersey Sea Cadets, it is considered appropriate to safeguard some land at St. Helier harbour specifically for this purpose.’”; (b) and in Policy SC03 Community facilities (pages 278-279) after the words ‘within the Built-up Area,’ insert the following paragraph: ‘To address deficiencies in the provision of community facilities, the following site is safeguarded for the development of community facilities, to include development of a building suitable to accommodate the headquarters facility for the Jersey Sea Cadets - Les Galots site, Old South Pier, St. Helier.’” (c) and to update the Proposals Map accordingly.”

1.8.1 Senator F.E. Cohen (The Minister for Planning and Environment):

I thank Deputy Gorst for raising this matter to safeguard the Les Galots, Old South Pier, St. Helier, for community use. The principle of seeking to ensure that land is used to best meet the needs of the community, including those related to community use, is a fundamental objective of the plan and this policy can be appropriately used to identify specific requirements. We would anticipate that this potential community requirement, alongside other community uses of the area such as that for the storage and launching of rowing boats, would be considered within the context of any emerging masterplan for the area undertaken under the auspices of Proposal 11, St. Helier Regeneration Zones. I urge Members to support this amendment.

The Bailiff:

Is the amendment seconded? [**Seconded**] Deputy Jeune, do you wish to say anything?

1.8.2 Deputy A.E. Jeune:

Yes, please. I am very grateful to the Minister for bringing forward his amendment. It is imperative that a new site for the headquarters of the Sea Cadets is identified within the Island Plan. Twenty years ago, the committee responsible for Fort Regent stated they wanted Sea Cadets out of their current site. Twenty years later, guess? They are still waiting. Having visited the site, I can honestly say what they have now is not fit for purpose and the Minister for Treasury and Resources has also acknowledged the need to get a new headquarters sorted. There is something like 100 cadets between 10 and 18 who contribute significantly to our society. We have all seen how they perform at the many Island events. There are many people in Jersey - and I suspect there are some sitting in this Assembly - who were Sea Cadets themselves and they know the benefit of all these things. Senator Le Main spoke this morning about working together when referring to affordable housing. Well, we all need to be working together to make this very long overdue project a reality. Members and the people of Jersey, I believe, should be grateful to Deputy Gorst who has given this need high profile by bringing forward his amendment and, similarly, we should appreciate the efforts of the Minister for Planning and Environment to remedy the error of the outline, which is all it was. It was the outline of the proposed site which enables this much needed Sea Cadet headquarters, as well as other community events, even though 20 years late. Please, I urge you all, accept this amendment.

1.8.3 Connétable D.J. Murphy of Grouville:

I am one of the Members who was a Sea Cadet once and I look around and I can see at least 2. **[Aside] [Laughter]** Not so long ago, I was on the management committee up to last month and I think once you are into it, you are into it for ever. I am just going to say I have not prepared a speech on this but I feel very, very strongly indeed that we have an outfit up there that is doing the most incredible work on behalf of the younger people of Jersey. As Deputy Jeune has already said, we have 100 cadets going through there, male and female, marines and ordinary seamen, and they clock up so much goodwill for Jersey when they go around the country. They are winning burgees and pennants all over the place. They are an absolutely excellent outfit. On top of that, I have to say that the instructors and the civilian instructors that go up there to help really deserve the most praise in the world. They are incredible. They turn up there. They go out at weekends. **[Approbation]** They are absolutely incredible people and I cannot speak highly enough of them. It is most unfortunate that this has not been followed through. We tried to get money from the fiscal stimulus and, for some reason or another, I think there was a technical reason that we could not get it, and I was extremely disappointed with that but I would like the House to really get behind them. They really need some help and I would support them and I would ask the House to support them in every way they can.

1.8.4 Deputy K.C. Lewis of St. Saviour:

Much of what I was going to say has already been said but I also want to point out that if anyone has been up to the cadet centre of recent times, they will see it is quite literally falling apart, long, long overdue. I would also like to add my congratulations to the officers and staff of the Sea Cadets who do a sterling job giving up their free time to look after these young people. The map on the amendment differs slightly to the original, which I believe takes into account certain modifications T.T.S. (Transport and Technical Services) are making to the far south side.

1.8.5 Deputy J.G. Reed of St. Ouen:

I am sure if Deputy Gorst was in the Assembly today, he would say: "Words are great but it is action that is required" and I think that, as we have already heard said by Deputy Jeune, this States made a number of commitments to relocate the Sea Cadets from Fort Regent to the harbour area. This site was identified. The problem is that for various reasons, and more recently issues to do with Property Holdings and other agencies, we seem unable to deliver and identify a particular site for the Sea Cadets to move to. I hope that this inclusion in the Island Plan will not only allow this

to happen but ensure that Property Holdings delivers and enables this matter to move forward as it should.

1.8.6 Senator T.J. Le Main:

Many years ago when I was the president of Fort Regent Development Committee, then afterwards at Sports, Leisure and Recreation, a firm commitment was made by this Assembly, a firm commitment for 2 things. One was the Kart and Motor Club that were promised faithfully that they would relocate, and I thank the Minister for having resolved that issue for a number of years now, which gives them some clarity and know where they are going. The second one was to relocate the Sea Cadets, as highlighted by the Minister for Education, Sport and Culture, down to the harbour area and nothing but nothing has been done to keep that promise. It is all very well making promises but you are dealing, as I often say, with real people who are contributing a huge amount to the community such as the Sea Cadets, their parents and onwards into the community. I think that at long last this House must realise and must at long last stand by their word as has been highlighted years ago and stand by their word and really resolve this issue as a matter of urgency. I am going to support this and I think that the contribution made by these young people in the community of our Jersey with our lines to the forces in the U.K. is something that we should be very proud of and should support.

1.8.7 Deputy J.B. Fox:

Just briefly, I am going to support this one. I was on Planning when the promises were made then. That was 12 years ago. When I was on Education for 9 years, there were promises made and the last I heard was we were waiting for the review of the harbour amendments and facilities were going to be made at number 1 berth at the bottom end of the Albert Quay, and once that decision has been made. Unfortunately, it has been going on and on and on. I am pleased that it will be in this Island Plan but I do not want to see it in 10 years' time. I want to see it next year, if not this year, please.

1.8.8 Deputy P.V.F. Le Claire:

I was a former member of the unit at Fort Regent as a Marine Cadet and I remember being taken from not a very privileged background and being given a tremendous amount of support and opportunity from the people who took us in as young people and helped us to focus our attentions on improving ourselves and giving us opportunities for travel and learning that were not available to us in any other avenue. It kept us off the streets unless we were on the street with guns and rifles, and I think it has been a terrible thing that we have been putting them through over the years. I remember at the time I was there, Mr. Allo, who is now one of our Jurats, and his brother, were leading the unit and they were winning awards then and guards of honour for Her Majesty the Queen, et cetera, and as has been mentioned quite rightly by the Constable of Grouville, the people who committed their time and their effort over the years to support these young people in itself is tremendous. But also not only does it give the young people an activity, and an important variety of activity, it also gives those people the opportunity to go on into a career and many of my friends in the Marine Cadets Unit went on to join the Royal Marines and many of my friends in the Sea Cadet Unit went on to join the Royal Navy or other Armed Forces. They have given significantly to their Island and their country and they are very committed in that way. I would support this 100 per cent and I am supporting it 100 per cent, but I would ask the Assistant Minister for Education, Sport and Culture to make an appeal to her Minister who is all for this to set aside some money from their budget to get the thing built.

[11:45]

If we get the planning permission, let us get the thing ... Property Holdings, it has begun already, fingers going all over the place. It is his responsibility, it is her responsibility. I am suggesting the Department of Education, Sport and Culture because this is predominantly around Education, Sport

and Culture in my view. I think they should set something into the budget coming up that sets aside some money for these people. They are constantly raising funds for charity. They are doing things on a voluntary basis and we need to get behind them today and support them and their parents and recognise the wonderful work that the unit has done over the years.

The Bailiff:

Can I just say this? There are 6 Members who wish to speak. Everyone so far has said much the same thing so I hope that somebody has something new to say. Although it is extremely worthwhile, the points have now been made and I do ask Members to consider whether they need to add to it. **[Approbation]**

1.8.9 Connétable M.K. Jackson of St. Brelade:

If I may really just speak to the change in the red line, I think, which is pertinent. As a result of discussions with my department and Jersey Harbours and, as a result of pressure put by Senator Le Main some time ago with regard to the decisions of the fish fair, at the root of the Victoria Pier, my department have also in conjunction with works going on, starting today on Commercial Buildings, re-jigged the parking arrangements down there and it was thought appropriate that this be mentioned at this stage. I think, quite frankly, it got missed earlier on but I think it is important to be absolutely clear. All I would say is in the revised line as put forward in amendment 57, the parking to the south of the designated line will complement the proposed Sea Cadets headquarters and I would like to think it will be an attribute to the proposal put forward by Deputy Gorst.

1.8.10 The Connétable of St. Peter:

Just standing to speak in my role as the political head of Property Holdings. Certainly, the Les Galots site has been identified as the most preferred site currently available for the Sea Cadets and Property Holdings are entirely behind that but Senator Main did say earlier on that nothing has been done over these years. Property Holdings has done a significant amount of work trying to find alternatives to Les Galots site, including other sites in the La Collette area as well, which could have been equally as suitable for the Sea Cadets. However, administering departments of some of these sites must also recognise that they cannot always have it their own way by renting out sheds for commercial uses to create an income when there is a community need. Every department, not Property Holdings, not E.S.C. (Education, Sport and Culture), not Harbours and Airport, every department has got a role to play in making sure they do not hold on to sites because it is giving them a little bit of an income, which could probably get a far better use for various community activities. The Sea Cadets is particularly one of those and I can understand the frustration of the Constable of Grouville and others who have been behind the Sea Cadets and Deputy Gorst in particular in bringing this forward. But there is a lot of work done. There are concept plans already drawn up and we are not far off from being in a position to put in a planning application. All that is holding us up at the moment in Property Holdings is identifying the full funding to do that. I am advised that there is an amount of funding there but it is not quite yet enough.

Deputy A.E. Jeune:

May I just ask a point of clarification? Would the Assistant Minister give us an assurance that he will endeavour to put pressure on the Minister for Treasury and Resources to give us some funding, please?

The Connétable of St. Peter:

I could try but I do not think it would come to much. The point was made earlier on that there is a bid against fiscal stimulus but unfortunately it did not fit the timely, targeted and temporary requirements of fiscal stimulus but certainly something we are very aware of in Property Holdings, which is a Treasury Department and it is something we really do want to get done because conditions they are working in are quite frankly embarrassing.

1.8.11 Senator F. du H. Le Gresley:

I have got something new you will be pleased to hear. I am concerned about the diagrams that have been produced because it is essential that there is some sort of walkway for pedestrians around this site. As far as I am aware, there are no pavements on that side of the road and at the moment, I think pedestrians can walk along by the quay edge and I would hope that in any design on this site that a pedestrian access to this area is retained.

The Connétable of St. Brelade:

If I may, on a point of clarification for the Senator, just say that in the proposed refurbishing of commercial buildings, a footway/cycle path will be included on the roadside of the proposed site.

1.8.12 Senator A.J.H. Maclean:

Just very briefly. Economic Development clearly has responsibility for the harbour. I just wanted to clarify that certainly, from my perspective, I am very supportive of Sea Cadets moving to the harbour or round that area. I think it is absolutely essential and have thought so for some years that the Sea Cadets should be located next to the sea. It is the obvious place and the facilities, as Members have mentioned, are not very suitable at the moment. The funding issue is the key issue, not the location. I am delighted this is included in the plan but there is significant funding required. I believe there is still a fair gap despite the comments of the Assistant Minister and I think departments need to work together in order to try and resolve this but in the current climate clearly Members must be aware there is not an easy solution but we must work to try and find one.

Deputy P.V.F. Le Claire:

May I ask a point of clarification? Is it correct that the missing funding amounts to £600,000?

Senator A.J.H. Maclean:

I am not close enough to have the exact figures at my fingertips but I believe the total funding was £600,000. I am not sure exactly what the gap is at this point.

1.8.13 Senator B.I. Le Marquand:

I did have a new point when I pressed my light which, of course, was in relation to funding. Home Affairs, of course, provides a grant each year to each of the organisations of this nature and, having had discussions earlier in the year, I was aware that there is quite a substantial amount of money put aside but not enough to meet the whole cost so there will be an additional need. I also would like very briefly to express my tremendous appreciation of this organisation. They do a tremendous job and the new facilities will enable them to do an even better job.

1.8.14 The Deputy of St. John:

As a former instructor back in the 1960s at the Sea Cadets, when I came out of the Navy, I spent some time there for a couple of years giving assistance firstly on Mr. Beveridge, then on to Stralo(?) and others working alongside Mr. Vibert and Mr. Marik became the C.O.s (Commanding Officers) after them. We were at that time working within the old building, not the current building, which virtually was replaced by the bumper cars and then, in latter years, I think it was some shooting gallery or another. We were promised at that time prior to the current building being built, something alongside the water's edge but we finished up with the current building which has not been properly maintained by ourselves in the last 40 years and hence we have now got to replace windows and the like. That being the case, I cannot applaud enough the honorary work given by all those parents, all the officers and the civilian staff within the Sea Cadets and Marine Cadet organisations. They do a sterling job of keeping our young people in action-packed situations. It is time, it is time, it is time. We wait now until our backs are against the wall with funding to put this on the agenda and I see this going absolutely nowhere unless there is commitment. I was on the Home Affairs Committee 7 years ago when the budget was cut for a second time down to its current position of £10,000. Recently, we have seen another Cadet Force

put in place, the Army Cadets, and they have been given funding. Because we have several Army Cadets or other Army Cadets within the Island through the colleges, et cetera, I would have thought that would have been better as one unit and we could have saved some funding and possibly pushed it across to the other youth organisations, i.e., the Cadets and Air Cadets but that did not happen. I do have concerns that we give lip service continually to the Sea Cadets and fellow organisations but we are not doing what is right for these youngsters. Sea Cadets, by the very nature of the words, need to be alongside the sea, not the top of a hill. Having rowed in the very first rowing race with the cadets to give them momentum, they beat the officers which is good to see, 45 years ago whenever it was. It is important that we give the youngsters and the instructors the tools to do the job and I always maintain give them the tools. Currently, our youngsters are some of the best in the United Kingdom, if not the best, and it is important that we do what is right and not just pay lip service here today. We want commitments from the various Ministers through to the Chief Minister, who is not here, and the Deputy Chief Minister also is not in the Chamber, but other Ministers who are here, we need a commitment from all of you to make sure this happens in the next year, 18 months. We have 6 months until the end of this term but something needs to be put in place in concrete for those Ministers who are going to be in here next year because Ministers are not far from election in October. Ministers can make a commitment now to making this happen so that whether it is in times of hardship, as we are all going through now, it is time we made things happen and it is always when Jersey has got its back to the wall that things really do happen. I am surprised that nothing happened within the stimulus because it all gives employment and I was really surprised that that did not come about. The grants I have covered. We must invest in our children. They are our future and by giving the kind of disciplines you get within a uniformed group of youngsters, it is character-building for those young people. Many of them would obviously come from within the bigger picture of St. Helier, given we are going to soon be discussing the new North of Town Masterplan with all the additional homes that are going to be built in St. Helier, much easier for them to get to it than coming in from the country and I sincerely hope that all Members will put pressure on the Council of Ministers to make this happen.

1.8.15 Deputy J.A.N. Le Fondré:

Really just to endorse or elaborate upon a couple of the comments but as has been said, words are fine and we have had lots of comments about commitment. The reason J.P.H. (Jersey Property Holdings) was never able to progress the scheme any further is simply money. If the department does not have the money, it cannot do it and I really just want to rise and endorse the views of the Assistant Minister for Treasury and Resources. One way it can be achieved, but that requires a jigsaw puzzle to be put together, is, for example, by the part of the social contribution coming out of South Hill, Les Galots and La Folie to be put towards the Sea Cadets and that is how one generates it. Rather than being a call on revenue, this is how you achieve the project by taking a contribution out of newly generated capital funds. But to do that, one needs a will and one needs to move things forward and obviously having mentioned South Hill, it requires that part of the jigsaw to be available to sell and that requires certain other things to be put in place and that is where we were probably a year ago, I am going to say, or 8 months ago. I do not know where we are now but there was a plan on how to do that. So a lot of work has been done but it does require the funding. It is not a lack of will and it does require on a whole range of these things for departments to think strategically for the whole benefit of the States rather than hanging on to their own properties because: "I want it and it is mine".

1.8.16 The Deputy of St. Mary:

Two points that I do not think have been covered. One is what is the relationship between the Sea Cadets and the Youth Service because people are making bold statements about the failure to keep up with the maintenance or even replace where the Sea Cadets are working from and we hear about the dereliction of where they are. We hear stirring statements: "Stand by their word, we must invest in our children" and so on. If the Sea Cadets are linked to the ongoing support and umbrella

role of the Youth Service, then presumably the funding that everybody is going on about primarily should emerge from E.S.C. So I would like some clarification on that from the proposer or maybe from the Minister if he can clarify what the relationship is.

[12:00]

The Connétable of Grouville:

If the Deputy will give way for a moment, I may be able to help there. The funding comes from the Home Affairs Department.

The Deputy of St. Mary:

Thank you for that. I heard the Minister for Home Affairs say that they give a grant each year and I think I heard him say that it was not sufficient or it certainly was not sufficient to cover this capital cost or effectively there was no way they could set aside but, yes, that in itself is a slight anomaly because it is the service for young people and I would have thought that there should be a relationship as there is with other uniformed organisations. The Scouts all come under the umbrella and the Guides, I think, of the Youth Service so I am surprised this is some kind of standalone and I want the proposer still to clarify that because it is very important when we talk about funding. The second point is the funding. We read in the report some monies were allocated but financing became a problem. We have heard from Deputy Le Fondré that money is the basic problem and I just would urge Members to remember when we debate the Public Finances Law, which the Minister for Treasury and Resources is going to bring forward and he is going to urge us to agree to a growth pot to set aside money specifically for new funding new initiatives, a 3-year pot which we then allocate year by year, just to remember to put that debate in the context of this debate and not say: "Oh, we cannot have money for new things; we cannot have money for new things". We do have to find a way to fund non-recurring expenditure like this because otherwise it just goes on for ever.

1.8.17 Deputy C.H. Egré of St. Peter:

I am fully supportive of this proposition. I would just like to correct something that the Deputy of St. John indicated. The C.C.F. is the Combined Cadet Force which normally constitutes Army, Navy and Royal Air Force and is restricted to members only coming from Victoria College. The A.C.F. (Army Cadet Force) was formed so that everybody has the opportunity to join such an organisation. That is important to note. The funding that is given by Home Affairs is for running costs funding and that applies to the Sea Cadets, the A.C.F., and I do not believe they do that for the C.C.F. (Combined Cadet Force) but I am not too sure whether they do or not. So I fully support this for the Cadet Forces but I am sure that the Deputy realises that the funding is different and the actual ability to join the A.C.F. is different from that of Victoria College.

The Deputy of St. John:

Would the Assistant Minister give way on that? Given that the funding was created for the new Army Cadet Unit, should not have talks taken place with the Combined Cadets of the Colleges that the children's mother schools could have also been drawn into that particular group instead of setting up another new group at the T.A. (Territorial Army) Centre? If Members wish the actual figures which will help them, question 8 gives them the funding that was involved of £600,000 of which £407,000 is still left within that budget.

1.8.18 Senator P.F.C. Ozouf:

I am sure that you want to bring us back to the heart of the debate, which is effectively a rezoning of this parcel of land for the Sea Cadets but I will very briefly just give a reprise of the matters that a number of Members have raised about this because it is relevant to this in order to solve it. There are lessons from ministerial government about what works and what does not work and sometimes one is almost looking at issues, and the Sea Cadets is an example of something which,

notwithstanding the joined-up nature of ministerial government, we have not succeeded in solving the Sea Cadets. That is not the fault of ministerial government. Members of this Assembly do stand quite understandably in debates and scold Ministers and say: “Get on with it” but then they also want us to do other things in terms of priority. So I am afraid that the Sea Cadets issue has not progressed because of political glue and there has been a cocktail of ingredients of glue and it is a good example of perhaps why we need to improve some aspects of the way we make decisions. Lack of funding certainly, lack of leadership and ownership of one department that has progressed matters. Is it Home Affairs? Is it Education? Is it Property Holdings? Is it the Treasury? I do not know. All I know is that I visited the Sea Cadets last week. I saw the site with Deputy Gorst and the Assistant Minister and Deputy Dupre and I saw the inside of a building, which is shocking in terms of its standards, quite exactly the same shocking state as the inside of the buildings that I saw at St. Saviour’s Hospital. So I have prioritised with the new Treasurer a number of projects in order to find a solution for. One of them was St. Saviour’s Hospital. We have done that. The second one was various different housing projects. We have done that. Phillips Street, we are finding a solution to this and the Sea Cadets is the next in the Treasury line-up of projects that we are going to find a solution to and we will work together with the different departments to find it. **[Approbation]** I regard this as a “must do” prior to September and I commit myself to finding a solution to this but, of course, there are tradeoffs and different departments are going to have to work together in order to find a solution to it. While I am on my feet, there is a related issue which is part of the glue, which is the complete lack of this Assembly to have made progress on Fort Regent which is one of the aspects of the glue in relation to this. That one I have not got a solution for yet but we will find a solution if we, of course, come back to the purpose of the debate of rezoning this parcel of land for the Sea Cadets but if we do support this amendment, then we will find a solution and we will do it.

The Deputy of St. Ouen:

Just as a point of clarification, as chairman of the Steering Group that has been overseeing the tasks set by the States regarding Fort Regent, their meetings are planned and we have almost concluded the work which Property Holdings, which is part of Senator Ozouf’s department, has been directly involved in.

Deputy A.E. Jeune:

Would the Minister agree that words whisper, actions shout?

Senator P.F.C. Ozouf:

If I may respond to the Minister for Education, Sport and Culture and the Assistant Minister for Social Security, yes, words are easy, action is more difficult. It is action that we need in relation to this thing, not just words.

The Bailiff:

Very well. I think we have done that one thoroughly now. Does any other Member wish to speak? I call upon the Minister to reply?

1.8.19 Senator F.E. Cohen:

I think debate has been lengthy. The points have been made and there is little I can add. **[Approbation]**

The Bailiff:

Very well. The appel is called for, then, in relation to the amendment lodged by the Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 34		CONTRE: 0		ABSTAIN: 0
Senator P.F.C. Ozouf				

Senator T.J. Le Main				
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

Very well. So, then, Deputy Gorst's amendment falls away.

1.9 Island Plan 2011: approval (P.48/2011): twenty-eighth amendment (P.48/2011 Amd.(28))

The Bailiff:

So we move next to amendment 28 lodged by Deputy Le Fondré.

Senator F.E. Cohen:

I am changing my position on this and accepting both parts.

The Bailiff:

You are accepting both parts?

Senator F.E. Cohen:

Yes.

The Bailiff:

Very well. Well, let us hope that now that it is accepted, we do not need another 20 Members to agree that it should be accepted. Deputy Le Fondré?

1.9.1 Deputy J.A.N. Le Fondré:

Members will be delighted to know that as the Minister is accepting it, I shall abandon my 5-page speech [**Approbation**] and on that basis, if we can just go with the vote. There is something being distributed. People can have a look at it afterwards and I shall assume, if there are any major significant comments, I shall do that at the summing up.

The Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment? Very well. All those in favour of adopting the amendment, kindly show? Those against? The amendment is adopted. Now, the Greffier has been informed by Deputy Gorst that he has withdrawn the 36th amendment paragraphs (a) and (b).

1.10 Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - paragraph 4

The Bailiff:

So we move on then to the 20th amendment, paragraph 4, lodged by the Deputy of St. Mary. As there is an amendment to that, I will ask the Greffier briefly to read that amendment.

The Greffier of the States:

On page 2, after the words “the revised draft Island Plan 2011” insert the words “except that in Proposal 18 - Open Space Strategy (page 283) in the second bullet point, after the words ‘accessibility of open space’ insert the words ‘including for the mobility-impaired and the elderly when living communally’”.

The Bailiff:

Now, before I ask the Deputy to propose it, Minister, this is one where you have tabled an amendment so what approach are you taking? Are you saying that you will accept it if your amendment is accepted or ...

Senator F.E. Cohen:

I am accepting the principle and my amendment proposes different forms of words which makes it more deliverable.

The Bailiff:

Very well. Then, I invite the Deputy of St. Mary to propose his amendment. Perhaps, Deputy, in the course, you can clarify what your approach is going to be to the Minister’s amendment?

1.10.1 The Deputy of St. Mary:

I think that I accept his amendment and it may be helpful if the Minister, when he is proposing his amendment, reads out the complete text as it will be with both our amendments otherwise I shall go scrabbling around in the Island Plan to do that myself. But if he can do that when he proposes the amendment, then Members will know exactly what they are voting for. The purpose of this is to make sure that open space is accessible to vulnerable groups, particularly mobility-impaired and the elderly.

The Bailiff:

We are indeed inquorate, 25 I make it. Please summon Members back. Very well, now we are quorate. I must ask Members to check before they leave that the last person to leave must realise that numbers are becoming somewhat tight, so I would ask Members to count before they decide whether to leave.

Deputy P.V.F. Le Claire:

So maybe you could tell those that were not in here to note that as well?

The Bailiff:

Point taken, Deputy. Now, the Deputy of St. Mary was proposing his amendment.

The Deputy of St. Mary:

I do not propose these amendments for fun and I do think this is an important amendment but there you go, we are up to 27 so that is all right. The point is and what brought this amendment to my mind was reading the Island Plan on open space and then considering the situation at Maison la Corderie where my mother lives and in the Cheshire Home next door. I frequently push my mum in the wheelchair down to the beach at Havre des Pas at the end of Green Street. That route is not too convenient. It is quite a long way and she certainly could not do it on her own in any form, even with an electric wheelchair, and the route itself is difficult. When you go from the road up on to the pavement at the end of Rope Walk, there is a very awkward bit. Then there are tight corners. Then there used to be 2 obstacles where you could hardly get the wheelchair to move out of the ruts and then you got to the road and crossed over to look at the sea. I mention that because that is what this amendment is about. It is about making sure that mobility-impaired and elderly are able to get to open space easily otherwise what is the point of having it? We know the value of open space, just going and smelling the roses, if you like, and chatting to your friends in the sun in a lovely environment. That should be everybody's right. By mobility-impaired, of course, I do not just mean physically impaired, one leg, bad hip and so on. I mean also visually impaired because that has an impact on your mobility. So good access to open space, and that is what I am trying to achieve with this amendment and I want to add the words "including for the mobility-impaired and elderly when living communally". I have added "when living communally" because I was particularly concerned with, if you like, large pockets of people in these categories. Clearly, people who live at Cheshire Home and Maison la Corderie are in those categories.

[12:15]

There are individuals who are mobility-impaired and elderly all over the place and I am not expecting the Minister to think in terms of a good, safe, continuous easy route for each individual to an open space. I think that would be unreasonable. But I am saying that we should take this business of location seriously and elderly people should be positioned, located, in their housing where they can get to facilities easily and too often we fail in this, for instance, Ann Court which I have an amendment to the North of Town Masterplan. It is perfect for people who cannot get very far because it is right near all the facilities and amenities of the centre of St. Helier and that is the kind of thing this amendment is about. So I urge Members to support it.

The Bailiff:

Is the amendment seconded? **[Seconded]**

1.11 Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - amendment (P.48/2011 Amd.(20)Amd.)

The Bailiff:

Then there is an amendment to that lodged by the Minister so I will ask the Greffier to read the Minister's amendment.

The Greffier of the States:

Page 2. In paragraph 4, for the words "including for" substitute the words "which include considerations of safety, convenience and ease of access with particular regard given to."

1.11.1 Senator F.E. Cohen (The Minister for Planning and Environment):

I support the intent of the proposed amendment by the Deputy of St. Mary to amend Proposal 18 Open Space Strategy to include a reference to mobility-impaired and elderly living communally subject to an amendment of my own to enable it to be accepted within the plan. The Deputy of St. Mary is, of course, right to be concerned about the safety, convenience and ease of access to public open space for people with mobility impairments and for elderly members of the community who may be less mobile than others. In particular, the Deputy of St. Mary makes the point that occupants of an elderly persons' home may have less choice in the location of where they live than others and that access to open space may be particularly valuable to someone living in a communal home. I consider, however, that while these considerations are of particular relevance to vulnerable groups of people, they are of concern to us all. In considering this matter, the independent planning inspectors suggested that both points expressed by the Deputy and the Minister were worthy of support. The department has proposed a form of words as a further amendment to the amendment, which catches both aspects which I urge Members to support and the final version would be "develop Jersey standards for the provision, quality and accessibility of open space which includes considerations of safety, convenience and ease of access with particular regard to the mobility-impaired and elderly when living communally." I urge Members to support my amendment to the amendment.

The Bailiff:

Is that seconded? [**Seconded**] Does any Member wish to speak on the Minister's amendment to the amendment?

1.11.2 Deputy G.P. Southern:

This is a spectacularly important amendment and one which should have been there from the beginning, I believe, if we are looking at the Island Plan. What it brings to mind for me is the path between St. Ewolds Residential Home and what is going to be the site of the new town park and the number of electric wheelchairs that will have to come down the hill. I remember an incident several years ago now, since corrected, that as you come down the hill and go round the bend, no matter how slowly you do it, if you are in the wrong place, the slope on the hill and on the pavement puts you firmly in the middle of the traffic. You simply slide off the pavement and for some time it was very difficult and very dangerous for people in an electric wheelchair to get past that corner. For a short while, they were almost trapped in the home. When the Parish was informed about it, that particular piece was repaired and corrected but singularly, I remember talking to people saying literally: "I can go up the hill if I like but the scenery is not very good there, but going down the hill is literally impossible. I end up very dangerously into the road." Minor little things like that that can trap people in their homes for long periods. So a very valuable amendment.

The Bailiff:

Can I remind Members this is on the Minister's amendment so Members should be speaking on whether the wording put forward by the Minister is preferable or not preferable to that put forward by the Deputy of St. Mary. Does any other Member wish to speak on the Minister's amendment? Very well. Minister, do you wish to reply?

1.11.3 Senator F.E. Cohen:

No, thank you, Sir, but I urge Members to support my amendment to the amendment.

The Bailiff:

Very well. The appel is called for in relation to the amendment by the Minister of the Deputy of St. Mary's amendment. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 30		CONTRE: 0		ABSTAIN: 0
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy A.E. Jeune (B)				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

So then we return to the debate upon the amendment of the Deputy of St. Mary. Does any Member wish to speak on that? Very well. All those in favour of adopting the Deputy's amendment, kindly show? Those against? The amendment is adopted.

1.12 Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - paragraphs 5 and 6

The Bailiff:

We come next to the 20th amendment, paragraphs 5 and 6, also lodged by the Deputy of St. Mary. They are longer so before inviting him, Minister, what are you ...

Senator F.E. Cohen:

I have changed my position. I am accepting both, thank you.

The Deputy of St. Mary:

Could I just ask on a Point of Order whether it is not better to take 5 separately from 6. They are extremely different. One is continuing this theme of open space in the open air and the other is on allotments which is very, very different. So I would be grateful if we could take them separately otherwise it is going to be quite a muddled presentation, more muddled than usual.

The Bailiff:

Although the Minister has indicated he is going to accept them both?

The Deputy of St. Mary:

Point taken, Sir.

The Bailiff:

So do you want to proceed with them both, Deputy?

The Deputy of St. Mary:

Yes.

The Bailiff:

Very well. Then, I invite you to propose them both.

1.12.1 The Deputy of St. Mary:

I wish to refer in this 20th amendment, because I think it is quite important, to the comments of the Minister for Treasury and Resources on the Island Plan and I have mislaid my own copy of this so I am asking the gentleman outside to run me off a copy, so I hope I can incorporate that. This is, if you like, the big one because what it says is, and I will read out what I am asking to be inserted. In Proposal 18, which is the Open Space Strategy which the Minister is committed to developing with stakeholders and following consultation, that is what Proposal 18 is about, I wish to insert - and I am urging Members to support - a further bullet point as follows: "To include a review of the ability of States-owned and privately-owned land to contribute towards the need for, and quality of, open space provision, particularly in St. Helier and other parts of the Built-up Area." This is really, really important because this is, if you like, the mechanism. We have got the monitoring; we have passed that, so if and when this strategy is brought forward, we will know how much open space we should have and then we can monitor how far away we are and what needs doing to reach those standards which we develop. So that is all right and we have also agreed now about the accessibility improving or making sure that the access for mobility-impaired and elderly people is considered in the general development of the strategy. But this one is about are we going to find the places, find the spaces, to devote to open space? Of course, straight away, we come up against the problem that using land for open space might be considered to be less valuable and that is why I am urging the review. I am glad the Minister has accepted it. There are many, many values to open space, impact on property value, adjacent or near to parks and green space is the first of nearly 30 on the C.A.B.E. sheet of the value of green and open spaces in urban areas. But my worry about this can be summed up on page 2 of the comments of the Minister for Treasury and Resources to the whole of the Island Plan. He talks about the funding consequences of proposals and he talks about the delivery of some of the amendments requiring additional funding that is not identified in future capital programmes but that is different to this. But he does raise the issue of, in effect, how we are going to cope with the fact that these sites would have less apparent value if we devote them to open space than if we devote them to building, and he talks about the loss of value of such assets if we do this with them. I just flag that up so that Members can realise what they are voting for. There is a contest here between, if you like, quality of life and density. It really does boil down to that. I am very glad that the Minister has accepted this amendment and I urge Members to support this review. The issue with allotments was that the plan was excluding any use of bona fide agricultural land in accordance with Policy RE1 and the Minister is now accepting that it might be appropriate to use land that is used for growing for growing. So I am very glad he supports the amendment and I urge Members to support that amendment as well.

The Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment?

Deputy A.E. Jeune:

May I ask are we going to be taking paragraph 5 and paragraph 6 separately?

The Bailiff:

It is a matter for the Deputy of St. Mary.

The Deputy of St. Mary:

I am quite happy to take them separately. They are very different.

The Bailiff:

Very well. Then we will take first paragraph 5. The appel is called for. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 36		CONTRE: 0		ABSTAIN: 0
Senator P.F.C. Ozouf				
Senator B.E. Shenton				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

I then invite the Greffier to reset the machine for the vote on paragraph 6 and the Greffier will open the voting.

POUR: 32		CONTRE: 3		ABSTAIN: 0
Senator P.F.C. Ozouf		Connétable of Grouville		
Senator B.E. Shenton		Deputy A.E. Jeune (B)		

Senator A. Breckon		Deputy J.M. Maçon (S)		
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				

1.13 Island Plan 2011: approval (P.48/2011): forty-fifth amendment (P.48/2011 Amd.(45))

The Bailiff:

Very well. Then we come next to the 45th amendment lodged by the Minister. I will not ask the Greffier to read it out, if Members agree, and therefore I invite the Minister to propose the 45th amendment.

1.13.1 Senator F.E. Cohen (The Minister for Planning and Environment):

I am lodging this amendment to complement that made by the Constable of St. Helier about the need to balance exposure to risk with the desire for public access to new open space at La Collette 2. The desire to secure some public access to land in La Collette will require subsequent change to the plan at page 286, last bullet point, which refers to the use of land at La Collette 2 and I propose my own amendment to enable this to take place. I will be accepting the Connétable's amendment and will work with key stakeholders to ensure that considerations of health and safety are proportionate to the extent of risk. I commend this to the Assembly.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on this amendment? Very well. The appel is called for in relation to the 45th amendment of the Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 35		CONTRE: 0		ABSTAIN: 0
-----------------	--	------------------	--	-------------------

Senator B.E. Shenton				
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.14 Island Plan 2011: approval (P.48/2011): fortieth amendment (P.48/2011 Amd.(40))

The Bailiff:

We come next to the 40th amendment also in the name of the Minister. Again, I will not invite the Greffier to read it. The wording is before Members and I invite the Minister to propose the amendment.

1.14.1 Senator F.E. Cohen (The Minister for Planning and Environment):

I accept the intent of part 2 of the amendment of the Deputy of St. Mary (amendment 21.2) related to the supporting text to Policy TT1 on the protection of the footpath and cycle network.

[12:30]

However, I propose my own amendment to deal with it. The Deputy's amendment seeks to ensure that the policy can also be applied to development, which might compromise future extensions of the existing network and this principle is supported. It is, however, important to note that the addition of such provision could only be of significant material weight to a planning decision where the future route of a footpath or cycle network was known and existed in the form of a definitive

proposal. The independent planning inspectors support this view. The inspectors suggest that the proposed amendment could lead to ambiguity in the application of the policy. We are convinced by the arguments and therefore were minded to support an amendment on the basis of the recommendation of the inspectors simply to omit the word “existing” from the policy. I urge Members to support this amendment.

The Bailiff:

Just so we can be clear, Minister, because I have not had a chance to look at this, are you saying that if Members adopt this, this is then consistent with the following amendment of the Deputy of St. Mary or are you saying it is in place of it?

Senator F.E. Cohen:

It is consistent with the amendment of the forthcoming ...

The Bailiff:

You are still expecting the Deputy to bring forward his amendment?

Senator F.E. Cohen:

Yes, Sir.

The Bailiff:

Very well. Is the amendment of the Minister seconded? **[Seconded]** Does any Member wish to speak on the Minister’s amendment? Deputy of St. Mary, do you wish to say anything on this one? It is a separate amendment but it is said to be consistent with yours.

The Deputy of St. Mary:

I am quite happy with that.

The Bailiff:

Very well, would all those in favour of adopting the Minister’s amendment kindly show? Those against? It is adopted.

1.15 Island Plan 2011: approval (P.48/2011): twenty-first amendment (P.48/2011 Amd.(21)) - paragraphs 1 and 2

The Bailiff:

So then we come to paragraphs 1 and 2 of the 21st amendment lodged by the Deputy of St. Mary and, therefore, Minister, you will now be accepting both parts of this, is that right?

Senator F.E. Cohen:

Yes.

The Bailiff:

Your amendment has been passed.

Senator F.E. Cohen:

Yes.

The Bailiff:

Very well, then, Deputy, I invite you to propose paragraphs 1 and 2 of your amendment, which the Minister is accepting.

1.15.1 The Deputy of St. Mary:

Yes, just briefly. The first one is an amendment to not apply the guidelines of the Institute of Highways and Transportation direct to Jersey but to add a proviso that this be qualified with the words interpreted and modified as necessary to Jersey conditions and then I modified that by adding: "... with such adaptations to be consulted on with users" as the belt and braces to make sure that by giving a derogation from the I.H.T. (Institute of Highways and Transportation) guidelines we do not end up with cycle tracks 1 foot wide. The point is that the I.H.T., I know from my experience in transport over the years in the U.K., they can be pretty generous there for a land mass far, far, far bigger than Jersey. They specify, for instance, radii of curves on motorways which are okay for going at 80 miles per hour; we do not need those guidelines here but of course they are a fallback. They are a starting point, so I simply propose to see them modified as necessary for Jersey. The second amendment is simply to ensure that the integrity of the Island's footpath and cycle network is protected, not just now, but as it evolves into the future and, therefore, I add the words: "... or future development of these networks," because as the policy stood it could be interpreted to mean, look at the Jersey cycling map as produced by Tourism, that is it, end of story. We already know that T.T.S. are planning and, I think, beginning to implement a new cycle route along Commercial Buildings, around the front of E.f.W. (Energy from Waste) and through to Havre des Pas. Fantastic; that is really good news but strictly, if you look at the policy as it is now, that would not be covered. It would not be protected. Anyone could build a Sea Cadet centre on top of it and so I am just allowing for building the future into this policy.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Very well, would all those in favour of adopting the amendment kindly show? Those against? It is adopted.

1.16 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraphs 16 and 17

The Bailiff:

We come next to paragraphs 16 and 17 of the 38th amendment lodged by the Connétable of St. Helier. It is before Members on the proposed Order Paper. Minister, what approach are you taking to these?

Senator F.E. Cohen:

I am accepting these.

The Bailiff:

Very well, I invite the Connétable to propose the amendment.

1.16.1 The Connétable of St. Helier:

I am grateful to the Minister for accepting them. The second one deals with footpath provision enhancement and walking routes which have been debated at length in this debate and I am not going to say any more about them now. The first one relates to the abandonment of 2 very important road improvement lines; La Pouquelaye and Tower Road. The Minister, in his comment, said that the department had not had any representation from the Parish about this and if that is the case I can only apologise. I am sure Members appreciate, particularly St. Helier representatives and, indeed, ratepayers of St. Helier, it is part of an ongoing task which has been happening now for several decades to make Tower Road a safer place, particularly for schoolchildren, by providing footpaths. Those improvement lines are absolutely vital if that is to be secured in the longer term. Equally, at La Pouquelaye ratepayers have invested tens of thousands of pounds in buying up property gardens to create a safe footpath for residents and schoolchildren. It is really important

that those 2 road improvement lines are back in the plan so I commend this amendment to the Assembly.

The Bailiff:

[Seconded] Does any Member wish to speak on the amendment? Very well, would all those in favour of adopting ... an appel is called for in relation to the amendment to paragraphs 16 and 17 of the Connétable of St. Helier. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 35	CONTRE: 0	ABSTAIN: 0
Senator B.E. Shenton		
Senator F.E. Cohen		
Senator A. Breckon		
Senator S.C. Ferguson		
Senator A.J.H. Maclean		
Senator B.I. Le Marquand		
Senator F.du H. Le Gresley		
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. Saviour		
Connétable of St. Clement		
Connétable of St. Peter		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisssier (S)		
Deputy J.B. Fox (H)		
Deputy of St. Ouen		
Deputy of St. Peter		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy S. Pitman (H)		
Deputy K.C. Lewis (S)		
Deputy M. Tadier (B)		
Deputy A.E. Jeune (B)		
Deputy of St. Mary		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy A.K.F. Green (H)		
Deputy D.J. De Sousa (H)		
Deputy J.M. Maçon (S)		

1.17 Island Plan 2011: approval (P.48/2011): nineteenth amendment (P.48/2011 Amd.(19))

The Bailiff:

We come next to the 19th amendment lodged by the Deputy of Grouville who is absent on States business. Greffier, has she notified if anyone else is going to propose this?

The Connétable of St. Helier:

I have been asked by the Deputy to take this for her.

The Bailiff:

Very well, then, Minister, will you be accepting this amendment?

Senator F.E. Cohen:

Yes, I will be accepting the amendment.

The Bailiff:

Very well, I invite the Connétable of St. Helier to propose it on behalf of the Deputy of Grouville.

1.17.1 The Connétable of St. Helier:

I understand from the Deputy of Grouville that the purpose of this amendment is to widen the planning gain zone for the eastern cycle network from a corridor as proposed by the Minister to an area which will allow for the possibility of an up-and-over commuter route from the east of the Island to the town. It is, of course, of tremendous benefit to the town to have a variety of routes by which they can escape on their bicycles moving eastward. It is, of course, I am sure we recognise, one of those things, with hindsight it was a great pity that the route of the railway to the east was built upon and not kept as it was to the west but that is a matter of history. These new routes will enable us to undo that damage, if you like, and provide routes to town from the east and to the east from town and so I commend the amendment.

The Bailiff:

Is the amendment seconded? [Seconded]

1.18 Island Plan 2011: approval (P.48/2011): nineteenth amendment (P.48/2011 Amd.(19)) - amendment (P.48/2011 Amd.(19)Amd.)

The Bailiff:

This is one to which the Deputy of St. Mary has lodged an amendment. Again, it appears, in detail on the papers before Members, so I do not suggest that we read it out. Again, to help the debate, Connétable, on behalf of the Deputy, will you be accepting this amendment?

The Connétable of St. Helier:

Yes, the Deputy will be accepting it.

The Bailiff:

Minister, just for clarification, if amended you will still be accepting it?

Senator F.E. Cohen:

Yes.

The Bailiff:

Very well then, I invite the Deputy of St. Mary to propose his amendment in the knowledge that the other 2 parties seem to accept it.

1.18.1 The Deputy of St. Mary:

Yes, the phantom Deputy of Grouville has got the support of our proposer and the Minister and she also supports this amendment. All it does is to clarify, if you like, and extend the amendment a little bit. It makes sure that provisions, for instance, on planning gain would apply to on-road as well as off-road improvements because I think, in practice, realistically the majority of improvements to cycling facilities and the cycle network in the east will be on-road. Ditto to States funding; not just a cycle path or paths but also to on-road facilities. Financial contributions; again the same. So, I move my amendment.

The Bailiff:

Is that amendment seconded? [**Seconded**] Does any Member wish to speak on that amendment?

1.18.2 Deputy R.C. Duhamel of St. Saviour:

Just a picky point; it suggests that safe facilities both on and off-road, which link centres of population and community facilities, particularly schools, in the east of the Island with each other and which provide a linear route to St. Helier. I hope the amendment does not seek to literally only supply linear routes, because in a lot of cases it might well not be practical to take a route as the crow flies in a straight line. Other routes might well be more desirable. Perhaps the proposer could comment on that.

The Bailiff:

Does any other Member wish to speak? Very well, then I call upon the Deputy of St. Mary to reply.

1.18.3 The Deputy of St. Mary:

Yes. I thank the Assistant Minister for giving me the opportunity to clarify that point because I had not given it much time in my opening remarks. I think probably to clarify it is best if I read what the Deputy's original amendment said: "There remains, however, a desire to create an eastern cycle route network. This would provide an off-road, safe facility that links centres of population and community facilities, particularly schools, in the east of the Island with each other and which provides a linear route to St. Helier." That was the original amendment and you will note "an off-road, safe facility". I thought it was very sensible if we added the concept of on-road and so my bullet point, if we adopt this amendment, will read: "There remains, however, a desire to create an eastern cycle route network. This would provide safe facilities both on and off-road, which link centres of population and community facilities, particularly schools, in the east of the Island with each other and which provide a linear route to St. Helier." So, all I have done is add "off-road". I have kept "safe facilities" because obviously that goes without saying and in response to the Assistant Minister saying "a linear route"; linear does not mean a straight line, it simply means continuous and I think probably should be understood in that way. Maybe it is not the ideal word but it was in the original amendment anyway. It just means a route that is joined up so you do not have to make it up as in the waterfront where you cycle, I think, 200 yards along a cycle track which vanishes into a roundabout. So I move the amendment.

The Bailiff:

Very well, would all those in favour of adopting the amendment of the Deputy of St. Mary kindly show? Those against? That amendment is adopted.

1.19 Island Plan 2011: approval (P.48/2011): nineteenth amendment (P.48/2011 Amd.(19)) - as amended

The Bailiff:

So we return, therefore, to a debate upon the amendment of the Deputy of Grouville as amended. Does any Member wish to speak on that?

1.19.1 The Connétable of St. Brelade:

Briefly, from the point of view of my department, I am happy to support the Deputy's concept and I look forward to trying to get the linkage through from St. Helier to the east in some form or another as soon as possible.

1.19.2 Deputy M. Tadier:

Just general comments; of course I am supportive of anything that promotes cycling and the health benefits and the reduction in congestion that brings to our roads. It is also good for tourists. I do

feel it is necessary to say that because I am in contact with several ornithologists that live in St. Brelade in my district, and any plans for the cycle path, I know that the Constable of Grouville will already be aware of this, need to be done sensibly because it will be strange if a cycle path were to be put forward from what is an environmental, as well as tourists it can help, point of view, but we have to bear in mind that there are some very sensitive areas in Grouville. I certainly know, for example, in our Parish when the gravel path was extended at the back of the cycle track, which is already in existence, there were some raised eyebrows. In fact, some of the residents were finding it very strange why a cycle path was being built right next to an existing cycle path that was there already. So, I think we have to be sensible and joined-up and be mindful of the fact that we do live in a small Island with small resources. I know that whoever will be bringing these plans forward will do so in conjunction with the representatives of the Parish and hopefully also being mindful of the sensitive ecological areas and also taking on board the views of, for example, the ornithologists and other interested groups in the area. I am sure a satisfactory outcome can be found though nonetheless.

[12:45]

1.19.3 The Connétable of St. Saviour:

I am sure we all want to see cycle routes extended, especially if we can get children using them to go to school. However, I would urge caution because anything coming in from the east, especially as it comes through St. Saviour, is going to be crossing extremely busy roads and there is no way to avoid crossing these roads. I think we must, when these roads are looked at, put safety above everything else. It is no use just saying: "Well, it is more convenient to run it that way"; safety has got to be the main consideration.

1.19.4 Deputy A.E. Jeune:

Just briefly, if the Connétable, when he sums up, could tell us; it appears to me that the line on this map is going across private land. Maybe I am wrong?

1.19.5 The Connétable of Grouville:

Deputy Tadier is quite right in the fact that there are ecologically sensitive sites in Grouville which have certain restrictions on the use of them. This has happened in this case and I believe the T.T.S. has had to move their proposed cycle path aside. I am also slightly worried that, as Deputy Jeune has said, some of this incorporates private land. I do have a problem with the agricultural industry having these imposed upon them as opposed to using either the States land or roads or something else, because I would be very much against the imposition of these cycle paths on private landowners who did not want them.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the rapporteur to reply.

1.19.6 The Connétable of St. Helier:

I come back to the Deputy of Grouville. The Minister for Transport and Technical Services is supportive, which is good, although clearly he is mindful of resource issues where his department is concerned. The Deputy did brief me about some of those, which I will not go into now. A couple of Members are concerned about the cycle path going into environmentally sensitive areas and the needs of birdwatchers, and I am sure that there is no intention to compromise the Island's environment. I think the key word here is consultation. I am sure the National Trust, the Environment Department and the other groups in the Island will be consulted by the committee and the department that is pressing for this much-needed cycle route. Equally, I think Deputy Jeune and the Constable of the Parish of Grouville were concerned about imposition of cycle tracks. I do not think there is any intention to impose anything on anybody. The key word here will be negotiation. The routes for these cycle paths will have to be negotiated with landowners and a

happy solution found, as indeed was the case when the north coast walk was created for Islanders and tourists, and who would be without that now. So, no doubt there will be some difficult discussions to be held but the need for the community, and particularly as was mentioned by one Member, I think the Constable of St. Saviour, the need for school children to cycle to school. The needs for the community are huge in this respect. We are very underprovided with safe cycling routes in this Island and I commend the work of the Deputy of Grouville in pressing for this route to and from the east. Concerns by the Constable of St. Saviour about crossing busy roads of course will be taken into account and Parish Roads Committees and other professionals will be consulted. Again, a sensible view has to be taken of the huge benefits, not only for traffic and getting children on to their bikes, but the benefits in terms of health and their health in the future and the reduction in the cost of the health service. So, there are tremendous gains here for the Island from the eastern cycle route and I hope that all Members will give it their enthusiastic backing.

The Bailiff:

Very well, the appel is called for then in relation to the amendment lodged by the Deputy of Grouville. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 36		CONTRE: 0		ABSTAIN: 1
Senator B.E. Shenton				Connétable of Grouville
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of St. Saviour				
Connétable of St. Clement				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

LUNCHEON ADJOURNMENT PROPOSED

The Bailiff:

The adjournment is proposed. Just before that, there are 2 matters I should notify Members of. First of all, the Minister for Treasury and Resources has lodged a report entitled Land Transactions Under Standing Order 168(3), Mont Mado Shed Site, La Rue de la Mare des Prés, St. John - proposed buy-back due to contaminated site; and an amendment to Projet 77, Hand-Held Devices in the States Chamber: trial, lodged by Deputy De Sousa. Very well, the Assembly will adjourn then and reconvene at 2.15 p.m.

LUNCHEON ADJOURNMENT

[14:15]

1.20 Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)) - paragraph 6

The Greffier of the States (in the Chair):

The debate continues on the Island Plan. We come now to the 3rd paragraph of the 21st amendment which is in the name of the Deputy of St. Mary who is not here. **[Laughter]** We will have to move to the sixth paragraph of the 37th amendment in the name of Deputy Le Fondré. It is a fairly lengthy amendment; I will not ask the Greffier to read it. Is this an amendment you are willing to accept, Minister?

Senator F.E. Cohen:

This is a complicated one because this amendment covers both the Deputy of St. Mary's and Deputy Le Fondré's wishes in 37.6 and 37.7. I have got my own amendment to this.

The Greffier of the States (in the Chair):

Yes, you have got your own amendment to this one but let us first ask Deputy Le Fondré to propose the amendment.

1.20.1 Deputy J.A.N. Le Fondré:

Procedurally, what I understand is that I propose my amendment and hopefully the Minister amends it and I believe the Deputy of St. Mary's will be withdrawing it. The reason for that logic is that the Deputy of St. Mary brought an amendment to mine and when we got our heads together we thought it could be better worded so we were all basically in agreement and the only way we felt to get that revised wording in there was through the kind offices of the Minister. A very short few words on my proposal and essentially to try and destroy the illusion that I have the heart and soul of an accountant and that is all there is to my life, there is a bit more to it; I will not say that I have got green credentials to my name entirely but if you go for a little wander up Waterworks Valley you will find that there is a series of footpaths up there, about 2 miles longish with rather a lot of bridges and meadows and all sorts of things, generally well-recommended and quite often commended, including from people in the National Trust, et cetera, which was put together by a group of about 60 volunteers of which I was (a) an active volunteer and (b) I was the project manager. All this was to do and mark the millennium. We spent about 5 years down there. From that point of view, with that and other issues that I have been involved in, one becomes aware of within the Island - especially if you like walking - that there are various networks across the Island of footpaths and bridle paths and what have you. All that this proposal is really trying to do is to get a degree of co-ordination between the networks so that if there is a bit in St. Lawrence and a bit in St. Peters and a bit up in Trinity, that perhaps, over time, we might try and bring some co-

ordination and perhaps try and link them up. That is it; it is hopefully not a contentious amendment. It has been accepted by the Minister and I make the amendment.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Seconded]**

1.21 Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)) - second amendment (P.48/2011 Amd.(37)Amd.(2))

The Greffier of the States (in the Chair):

Now, as Deputy Le Fondré has said, there are 2 amendments. The first is in the name of the Minister, which is the second amendment to this part of the 37th amendment. Once again, it is a reasonably lengthy amendment. I am sure Members will not wish it to be read. Minister, I invite you to propose that amendment.

1.21.1 Senator F.E. Cohen (The Minister for Planning and Environment):

Again, this is another supporting amendment that I have proposed as I am the only one able to lodge such an amendment. I would emphasise that the key to delivery of the new proposal is the engagement of support of those stakeholders responsible for the management and maintenance of the existing network. I urge Members to support my amendment and I leave it to Deputy Le Fondré to expand further should he so wish, but I would urge him to be brief.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Seconded]** Does any Member wish to speak? Very well, I put the amendment. Would those Members in favour of adopting it kindly show? The appel is called for on this second amendment to the 37th amendment. If Members are in their seats I will ask the Greffier to open the voting.

POUR: 31		CONTRE: 0		ABSTAIN: 0
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				

Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

Deputy of St. Mary, do I understand that you do not, therefore, need to proceed with your amendment to this amendment of Deputy Le Fondré, is that the case?

The Deputy of St. Mary:

That is correct. In effect, it was an amalgam of 2 amendments. It is now all sorted and mine is withdrawn.

1.22 Island Plan 2011: approval (P.48/2011): thirty-seventh amendment (P.48/2011 Amd.(37)) - paragraph 6 as amended

The Greffier of the States (in the Chair):

Very well, that is withdrawn. The debate, therefore, resumes on part 6 of Deputy Le Fondré's amendment as amended. Does any Member wish to speak?

1.22.1 Deputy P.V.F. Le Claire:

Very briefly, I would like to congratulate Deputy Le Fondré and the people who created the walkway that he mentioned. I was privileged to be able to go through that network of walks with him late last year while we were trying to identify some memorial picnic grounds for some notable members of the community. I think real credit is due to Deputy Le Fondré and the other people in the Parish who made that significant achievement and congratulate the Parish and the Constable and the Deputies.

1.22.2 Deputy J.A.N. Le Fondré:

Thank you to the Minister for being so accommodating and I agree entirely with Deputy Le Claire on his comments, thank you very much. Obviously it is and was a team effort and I also make the point that even last year and including the involvement of the Connétable and my fellow Deputy, it is an ongoing project because we were all down there doing some much urgent, 10-year maintenance. On that basis I maintain the amendment.

The Greffier of the States (in the Chair):

Would all those in favour of adopting the amendment as amended kindly show? Against? The amendment is adopted.

1.23 Island Plan 2011: approval (P.48/2011): twenty-first amendment (P.48/2011 Amd.(21)) - paragraph 3

The Greffier of the States (in the Chair):

Deputy of St. Mary, I am sure you will apologise to the Assembly for your slightly late arrival at 2.15 p.m. but I think we can, perhaps, revert to your 21st amendment, part 3. I will ask the Greffier to read the amendment; it is relatively short.

The Deputy Greffier of the States:

Page 2 - After the words "the revised draft Island Plan 2011" insert the words "except that – (a) in paragraph 8.60 (page 307) after the words 'off-road cycle facilities', insert the words 'and on-road treatments'; (b) in Policy TT3 – Cycle routes (page 307), in the first paragraph, after the words 'off-

road cycle facilities’ in both places where they occur, insert, on each occasion, the words: ‘and on-road treatments’”.

The Greffier of the States (in the Chair):

Minister, is this an amendment you are accepting?

Senator F.E. Cohen:

Yes. It is a non-controversial one that should not take long if the Deputy is prepared to be brief.

The Greffier of the States (in the Chair):

Very well, the Deputy of St. Mary.

1.23.1 The Deputy of St. Mary:

The Deputy will be extremely brief. He will read out what it says now and then add the words and that is it, because otherwise we do not know, obviously, what we are voting on. Policy TT3 Cycle Routes on page 307 says in the first paragraph: “The development of off-road cycle facilities that support and contribute to the objective of providing a strategic cycle route linking the east of the Island and St. Helier and/or which supports or contributes to the development of off-road cycle facilities that link residential areas with local community facilities anywhere in the Island will be supported.” Members will notice that that only talks about off-road and my amendment adds: “... and on-road treatments” to both places where it talks about off-road cycle facilities. Clearly, on-road is just as valid as off-road and I do wish everyone would get away from the obsession with off-road and realise that most cyclists ride along roads. So, it is a very simple, tidying-up amendment.

The Greffier of the States (in the Chair):

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment?

1.23.2 The Connétable of St. Brelade:

Briefly, just to support the amendment in that if a cycle network is to be successful, it will have to incorporate roads in its course and it is essential that the work is done on the main roads as well as off-road to achieve that. Without this it would not work, so I would urge Members to support it.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? Do you wish to reply, Deputy?

1.23.3 The Deputy of St. Mary:

Yes, I move the amendment and I call for the appel.

The Greffier of the States (in the Chair):

Very well, the appel is called for on the third part of the 21st amendment. If Members are in their seats, I will ask the Greffier will open the voting.

POUR: 33		CONTRE: 0		ABSTAIN: 0
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				

Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.24 Island Plan 2011: approval (P.48/2011): twenty-first amendment (P.48/2011 Amd.(21)) - paragraph 4

The Greffier of the States (in the Chair):

We come to the next part of this 21st amendment, paragraph 4 from the Deputy of St. Mary. I will ask the Greffier to read that amendment.

The Deputy Greffier of the States:

Page 2 - After the words “the revised draft Island Plan 2011” insert the words – “except that in Policy TT5 – Road safety (page 309) delete the words ‘where possible’”.

Senator F.E. Cohen:

I am accepting this. Again non-controversial; again should be a quick one.

The Greffier of the States (in the Chair):

Very well. Deputy?

1.24.1 The Deputy of St. Mary:

No famous last words. The policy as presently written, Policy TT5 - Road Safety, which, of course, is important: “Where appropriate traffic and pedestrian safety measures will be implemented on the highway network, particularly in residential areas and near schools to improve road safety for pedestrians and cyclists, reduce vehicle speeds and enhance the street environment. [second paragraph, which is the one I am amending] In new residential developments all new road layouts should, where possible, be designed to reinforce low vehicle speeds, cycle safety and pedestrian priority.” Well, “where possible” leapt out at me and I am proposing that we delete it. This is road safety, building in - we talk about “designing” in crime - “designing” in road safety. Reinforcing low vehicle speeds on residential developments and cycle safety and pedestrian priority is not a “where possible”, it is a “we do it”, “we do it”. I move the amendment.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Very well, I put the amendment. Would those Members in favour of adopting it, kindly show? Against? The amendment is adopted.

**1.25 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))
- paragraph 18**

The Greffier of the States (in the Chair):

We come now to the 38th amendment and paragraph 18 of that brought by the Connétable of St. Helier. The Greffier will read that brief amendment.

The Deputy Greffier of the States:

Page 2 - After the words “the revised draft Island Plan 2011” insert the words – “except that in Policy TT5 – Road safety (page 309) after the words: ‘pedestrian safety measures’ in the first paragraph insert the words ‘, including improved pedestrian crossing facilities’”.

Senator F.E. Cohen:

Another easy one and I accept it.

1.25.1 The Connétable of St. Helier:

I wish it was so easy in practice to achieve improved pedestrian crossing facilities. Every single one in St. Helier certainly there has been blood, sweat and tears taken to get them through. I am reminded of a meeting I had, with Senator Cohen present, when the officers responsible tried to delete the crossings which people currently use at Charing Cross to get from the precinct down towards Sand Street car park and it was only the Minister’s insistence that the Parishes’ requirements for crossings be maintained that people are able to enjoy those today. Just further down towards the Town Hall, Members may wonder why there is no crossing on the way towards the Town Hall along York Street on Hectors Corner. The reason is because T.T.S. officers have refused to allow us to put one there. So, I am hoping that this amendment will give more strength to the elbow of the Parish Roads Committee as we try to make town a safer place for pedestrians. I maintain the amendment.

The Greffier of the States (in the Chair):

Does any Member second it? **[Seconded]** Does any Member wish to speak? Deputy Tadier.

1.25.2 Deputy M. Tadier:

Just to pick up on the word “improved” in it, that should not necessarily automatically mean in everyone’s minds increased pedestrian crossing facilities that may be necessary in certain areas. But what is interesting to note when one travels around different countries is the various different forms of crossings that they have and the way that they are policed. You have a German system, for example, whereby you cannot cross the road unless the man is green and if you do so ... as a young student, for example, I experienced that you get chastised from the policeman in no uncertain terms even when you try and remonstrate that the road was free.

[14:30]

“*Keine plaudern*” is what he said to me, which means, basically, “Shut up” in German. Then you have the system of zebra crossings that we know, of course, and then we have got pedestrian crossings. What I would just like to bring up here, maybe for the Minister to consider, and I am sure the department is already considering it, is perhaps where those should be best placed. There might be some zebra crossings which could be best used as pedestrian crossings, or there might be many cases where you have traffic lights which are being unnecessarily pressed to hold up traffic simply for one person who needs to cross when that person could cross when the road is free, or it

could be that a zebra crossing would be best placed there. The Minister might also want to consider how pedestrian crossings would tally if we moved to a system of being able to turn left on a red light, for example. We know there are many situations where it is perfectly safe for cars to be able to turn left when the light is red because there is no oncoming traffic and that would certainly alleviate traffic congestion. It is something which is used, I believe, in the U.S. (United States) and certain other countries, as well as similar system of flashing amber lights at night-time where there is not much traffic on the road, to help traffic flow. I think these things do need to be looked at in the round. I think often we can come up with solutions, which are both friendly towards traffic, vehicular traffic, and to pedestrians and cyclists. I will certainly support this.

1.25.3 Deputy D.J. De Sousa:

I thank the Connétable for bringing this amendment to the Island Plan and he is aware that I am working with 2 of our roads inspectors on an issue in the Parish as well to look at road safety.

1.25.4 The Deputy of St. Mary:

I remember reading in a document, I think produced by T.T.S., a reference to the fact that where you have pedestrian crossings ... and this probably underlies the issue highlighted by the Constable, quite rightly, and we have heard from Deputy Maçon as well, the extreme difficulty, apparently, of getting these crossings and I think this might be part of the reason why. So I think it is worth a minute or 2 of Members' time to go through this because it is a nonsense argument. The argument in this document was that if you introduce a pedestrian crossing, or in the past where pedestrian crossings have been introduced, the accident rate goes up. I just have in my mind's eye, this is U.K. research, something like the Archway in London, or some dual carriageway going whoosh into the heart of London, with guardrails the whole way down the pavement on both sides and then some residents group said: "We want a crossing, we do not see why we should walk 300, 400, 500 yards to the next crossing." So they introduced a crossing where previously no one crossed at all and then the accidents go up. There is scope for accidents and it is rather the same as saying: "Do not go to hospital, it is the most dangerous place in the Island." Well, it sort of is but that does not stop you going to hospital. So I just put that cautionary note in Members' minds that I think there is some nonsense science going on; it is a nonsense use of statistics. The case that the Constable talked about - quite incredible that that was resisted outside the Co-op and is still being resisted, apparently, outside the Town Hall. So, please, let us vote for this and let us make sure that it has real consequences.

1.25.5 The Connétable of St. Brelade:

First of all, I must object to what I consider is unfair criticism of my officers with regard to previous situations in the town. I think it must be understood that the reasons officers will object to the proposals of what I call non-regulation crossings is purely on safety issues. Their primary objective is to maintain safety on the roads. They comply with national guidance. There are safety requirements in legislation and this is what tends to guide the decisions which are made. Notwithstanding that, I fully appreciate where the Constable is coming from and we, I think, together have achieved a crossing on Seale Street adjacent to the Town Hall and one has to look at the overall plan down there. My view is that there is already a crossing adjacent to the Town Hall across Charing Cross. Is there another needed further down? There has to be a balance struck. I would not like to support what could be described as a cavalier approach to safety because safety crossings without the proper mechanisms around that will be dangerous; they will attract accidents and one wants to avoid that. So while I will support the thrust of the Connétable's amendment, I think it does need to be taken with a degree of care.

1.25.6 Deputy K.C. Lewis:

Most of what I was going to say has been said by the Minister but I would add that I personally have had meetings with the Constable of St. Helier and we have, as has been said, facilitated the

crossing at Seale Street. But there are a few others which are maybe not so good; the one on the end of Commercial Street where cars have to park on it to turn left or go straight on, which has been very controversial. Other crossings have to be based on best practice. Miladi Farm, for instance, the road is too wide; it must have an island there. Land needs to be purchased to facilitate that and that is an ongoing project. As I say, the officers must adhere to best practice but we will help out wherever we can.

1.25.7 Deputy P.V.F. Le Claire:

I am pleased, as always, to support the Constable of St. Helier who has taken up politics in the round because of the issues of pedestrian safety when his son received a broken leg, I believe, from a car. He was determined to start to try to do something about town safety and ever since he has entered politics in town he has done an ongoing sterling body of work in that regard. He has offered me practical and personal advice and helping to deliver improvements in Colomberie and Howard Davis Park, Havre des Pas and, most recently, in Garden Lane. Howard Davis Park was an interesting one because although it was identified that there was good reason and good cause to put one there, we were being told at the time we needed to gather statistics and the statistics were going to be gathered during the winter, which just did not seem to make sense because the statistics obviously did not equate to the usage of the road when the Merton Hotel was full. This was driven, in my mind, for a need on that road because of an old lady who died in my mother's arms at the St. Luke's crossing for the school, and they implemented one at the Co-op. I joined with the Constable of St. Helier then (as Deputy) and other Deputies of the Parish in trying to champion pedestrian facilities and I believe the former Bailiff was also minded to support pedestrian facilities wherever he could. There is certainly a great need to support this. I have had to take propositions to Parish Assemblies to get the Parish recently to put money out of their own pockets into delivering solutions to areas where children cross the road. The reason for that was that the Department of Transport and Technical Services, although they had done the plans and they had the manpower, they had no money. Of course, you tend to scratch your head when they, 6 months later, spend £2.8 million on aerosols down at the compost site. So I would say, rather than tacit support, everybody needs to give their support to improve pedestrian facilities and I congratulate the Constable for continuing to champion these issues.

1.25.8 Senator F.E. Cohen:

I am sure the Connétable who rarely criticises anyone did not mean to criticise the officers of T.T.S. who do an exemplary job, and I know that he holds them and their Minister in great respect. There are a variety of different crossings, all of which may be suitable in different circumstances. They range from zebra to pelican, puffin, toucan, pegasus and signal crossings and, of course, we have the unique Jersey crossing. All I can assure him is that Planning will do everything to assist him in the appropriate placement of crossings of all different varieties where, indeed, they improve safety.

1.25.9 The Connétable of St. Saviour:

Just very briefly to say that I think this is a good idea. We all know that we have got an increasingly ageing population and as you get older you tend to walk more slowly so you do need longer time and more control of crossings. I would just ask the Minister if he can bear this in mind, especially as we have an increasing number of residential homes and areas where there are elderly people who are less mobile.

The Greffier of the States (in the Chair):

Does any other Member wish to speak? I will call upon the Connétable of St. Helier to reply.

1.25.10 The Connétable of St. Helier:

I am sure Members do not want to have a debate about pedestrian facilities this afternoon. But just to touch on a few points that were made, it is useful to hear from Deputy Tadier how to tell him to

shut up in the States by using German, I am pleased with that. I do appreciate his innovative remarks about how signals can be improved; the turning left on red, for example, that is widely used in the United States, does seem to commend itself in certain of our junctions and I think we should look at that. I thank Deputy Le Claire and Deputy De Sousa for their support and the Deputy of St. Mary. I think the debate that could have been raised by the Minister, the Constable of St. Brelade, about safety was tackled in advance, if you like, by the Deputy of St. Mary. There is a lot of discussion that can be had about these things and I do not think now is the place to do it. I certainly did not intend to criticise the officers of Transport and Technical Services but it is on record that it has been an enormous struggle by the Parish of St. Helier to provide each new pedestrian crossing and that is why I used the phrase “blood, sweat and tears”. I have now flagged up the one at the top of Dumaresq Street and York Street and hopefully that will get some attention and then after that in 6 months’ time we will go on to the next one. It is a slow process. The Assistant Minister mentioned Commercial Street. Commercial Street crossing should not be a problem in the sense that the Highway Code gives pedestrians the right to cross down Conway Street anyway. The crossing is merely there to, if you like, flag up the fact that it is a pedestrian right of way and motorists and all vehicle users should stop at the end of Commercial Street to allow pedestrians to do that. They very rarely do, which is why the crossing has gone in. I gather it is being monitored by T.T.S. officers and if it is a health hazard it will be brought back to the Roads Committee for review. Miladi Farm is out of my district but I know that former Deputy Scott Warren was very keen to see a crossing there and it reminds me that a number of St. Helier Deputies have campaigned for a long time to have a single crossing on the Inner Road. There still is not one. So that is why this amendment is here because we are, I believe, well behind many European towns, many European urban areas, in allowing people to cross the road conveniently rather than going on a long hike. In response to the Minister for Transport and Technical Services’ use of the word “cavalier”, I would say there is nothing cavalier about giving people back the right to walk, which is what this amendment is seeking to do. I thank Senator Cohen for his ability as a mediator and also, I think, the Constable of St. Saviour raised a very important point that the elderly and people with mobility impairments do need extra time to get across and some of these little green men you barely see them if you take your eyes off the traffic lights. So I think there is a lot more work to be done in this area and I hope members will give it their unanimous support.

The Greffier of the States (in the Chair):

The appel is called for. If Members are in their seats, I ask the Greffier to open the voting.

POUR: 35		CONTRE: 0		ABSTAIN: 1
Senator B.E. Shenton				Deputy J.B. Fox (H)
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				

Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.26 Island Plan 2011: approval (P.48/2011): fifty-first amendment (P.48/2011 Amd.(51))

The Greffier of the States (in the Chair):

We come now to an amendment lodged by the Minister, the 51st amendment. Minister, it is my understanding you have lodged this in response to part (b) of the amendment that comes next from the Deputy of St. Mary. We will have to ascertain from the Deputy in a minute his reaction to your amendment but at this stage I invite you to propose the 51st amendment.

Senator F.E. Cohen (The Minister for Planning and Environment):

I accept the intent of part 5 of the amendment by the Deputy of St. Mary related to Policy TT6, which is Park and Ride, subject to a further amendment of my own. I can accept part (a) of his amendment. With regard to part (b) of his amendment the intent behind this part of the proposed amendment is supported but I consider it necessary to propose a further amendment for it to be acceptable. While I understand the intent behind part (b), I would suggest that it is not for me to determine the relative merits of different options for Park and Ride facilities through the application of this policy. The inspectors agree and suggest that it is beyond my powers as it stands. I would respectfully suggest that this task ought to be more appropriately undertaken by the sponsor of any developmental proposals for Park and Ride facilities, most likely to be the Minister for Transport and Technical Services in the development of proposals and my further amendment seeks to reflect this. I urge Members to support part (a) and my amendment to part (b) of this amendment.

[14:45]

The Bailiff:

Is that seconded? **[Seconded]** Does any Member wish to speak on the Minister's amendment? All those in favour of adopting the Minister's amendment please show. The appel is called for then.

The Deputy of St. Mary:

I was going to speak to the amendment rather than speak to my amendment because I think that makes more sense, if that is all right?

The Bailiff:

Very well.

1.26.1 The Deputy of St. Mary:

Just to explain why I would be withdrawing mine because it is consequential from this as it was written originally. My intention was to avoid the situation that appeared to me to be inherent in TT6 - Park and Ride (Policy TT6) because it says: "The proposals for the provision of Park and Ride facilities will be approved on sites within the Built-Up Area provided that the site ..." and then there are 2 conditions, neither of which are particularly severe, and they certainly do not include an evaluation of the site against other sites or, indeed, against not having one at all, there are simply conditions like that it does not upset the environment, and so on. So, I put in an amendment to remove the word "will" and substitute "may". The Minister, and I think the inspectors too, did not like my expansion or my correction and the Minister's new version is fine and better than my change, so I fully support it and will be withdrawing mine subsequently.

The Bailiff:

Very well, does any other Member wish to speak? Do you wish to reply, Minister, then?

1.26.2 Senator F.E. Cohen:

Just to thank the Deputy of St. Mary.

The Bailiff:

All those in favour of adopting the Minister's amendment kindly show then? Those against? The Minister's amendment is adopted. Then we come to the Deputy of St. Mary's 21st amendment, paragraph 5, and I have only just resumed the Chair, Deputy, but do I understand that you will be withdrawing (b) and (a) will now be accepted? Is that correct?

The Deputy of St. Mary:

I think I am withdrawing (a) and (b).

The Bailiff:

You are withdrawing (a) and (b).

The Deputy of St. Mary:

Because the Minister has now qualified the policy in a way that makes sense.

The Bailiff:

Thank you very much. So the amendment as a whole is withdrawn.

1.27 Island Plan 2011: approval (P.48/2011): fourteenth amendment (P.48/2011 Amd.(14))

The Bailiff:

Then we come next to the 14th amendment in the name of the Deputy Dupre. I understand that as she is away on leave, I think, Deputy Fox is going to present it on her behalf. Very well, we will not read out the amendment then. Minister, what approach will you be adopting?

Senator F.E. Cohen:

I am accepting the principle but wanting to add the words "subject to funding", which is the reason for my amendment.

The Bailiff:

Very well, then I invite Deputy Fox to propose the amendment.

1.27.1 Deputy J.B. Fox:

In very simple terms, it is a study to investigate the feasibility of increasing the capacity of Snow Hill car park which will be undertaken during the planned period and, accepting the Minister's

amendment, subject to the availability of funding. I think that is all I need to say at this moment. I can add to it after any questions.

The Bailiff:

Is the amendment seconded? [**Seconded**] Does any Member wish to speak on the amendment?

The Deputy of St. Mary:

If we are proceeding on a point of order, I have an amendment to this amendment, therefore, I think that probably should be taken first - it is a long debate.

The Bailiff:

You are absolutely right, yes, sorry.

1.28 Island Plan 2011: approval (P.48/2011): fourteenth amendment (P.48/2011 Amd.(14)) - second amendment (P.48/2011 Amd.(14)Amd.(2))

The Bailiff:

Then we have next the amendment of the Minister for Planning and Environment. So, I invite the Minister for Planning and Environment to propose his amendment.

1.28.1 Senator F.E. Cohen (The Minister for Planning and Environment):

I thank the Deputy for raising this matter and I accept the intent of the part 5 of the amendment to include a proposal to carry out a feasibility study of increasing the capacity of Snow Hill car park, subject to a further amendment of my own. I also accept an amendment to this amendment from the Deputy of St. Mary to insert the words "and desirability" and the word "feasibility", combining the two.

The Bailiff:

I think we are all getting in a muddle now. This is the amendment number 14 of Deputy Dupre to which you have an amendment, amendment number 2, in which you wish to add the words "subject to the availability of funding".

Senator F.E. Cohen:

Sorry, I am thinking ahead. Yes, please accept my apologies. The principle of this amendment is simply to add the necessary caveat "subject to the availability of funding". I need to say little more.

The Bailiff:

Is the Minister's amendment seconded? [**Seconded**] Then there is an amendment by the Deputy of St. Mary to the amendment of the Minister and I invite the Deputy to propose that.

The Deputy of St. Mary:

Again on a point of order, my amendment is not to the Minister's amendment to the amendment. My amendment is to the original amendment so I think we probably should discuss the Minister's amendment, so we do not all get muddled up, and his amendment is about funding.

The Bailiff:

I do beg your pardon; it has obviously been a long lunch. Very well, if yours is an amendment to the main amendment then you are absolutely right, we must take first the Minister's amendment. Does any Member wish to speak on that?

1.28.2 Deputy A.K.F. Green:

It is just a very quick one because I hope when the Minister is looking at this, the subject of funding; he bears in mind that the funding does not necessarily have to come from the States. The

funding could come, with a little bit of imagination, from a sponsor, from a developer, who might be interested in running a car park in Snow Hill, of course, subject to perhaps providing the facility to access the Fort as well. All I am saying is that the funding does not necessarily have to directly come from the public purse.

1.28.3 Deputy D.J. De Sousa:

Just really to ask the Minister if this amendment is really needed because I believe this work was carried out some long time ago.

1.28.4 Deputy G.P. Southern:

Yes, it is difficult to know which of these amendments is going to go through because Deputy Wimberley's - and I hope you bear with me while I just explore this idea, for a minute - Deputy Wimberley's about a feasibility ...

The Bailiff:

The Deputy of St. Mary.

Deputy G.P. Southern:

The Deputy of St. Mary's about the feasibility and desirability of expanding car parking at Snow Hill makes eminent sense. I cannot believe that sometime in the next 10 years, which is the lifetime of the plan, that somehow all our parking problems will go away and our transport problems will all go away so there will be no more money in the pot to look at the feasibility and desirability of doing something else, something more with Snow Hill. So, I think what I am tempted to do is vote against the Minister's, vote for Deputy Wimberley's so that we have got something that is rational, which almost inevitably is bound to happen in the next 10 years, and we should not be putting: "Oh, well we are not going to go there unless we have got the funding." The funding, I think, will follow the desire. If there is a need to examine this, the desirability of, then we ought to proceed with that and not put this caveat on that.

1.28.5 The Connétable of St. Helier:

I do not know if this is the mid point in the Island Plan debate but in some ways it is the low point. I did point out to Deputy Dupre that her amendment to get Snow Hill examined in the next 10 years was entirely redundant and superfluous because the States agreed to do this on 1st December last year when we debated an amendment to the Sustainable Transport Policy. So we can spend the next hour or so debating Snow Hill car park but can I just assure Members that the Department of Transport and Technical Services is now required by this Assembly to do the work within the next year. I suggest we let them do it in the next year and we cut to the chase as far as this amendment is concerned.

1.28.6 Deputy M. Tadier:

I think Deputy Southern touched on it but certainly there is a difference between feasibility and desirability. I know that is not the amendment that is in hand but there is an implication because it seems that the feasibility aspect of it is a much simpler decision to make and possibly even one which can be made with no or little funding ... sorry, the desirability is the one that can be made with little or no funding but the feasibility of it obviously can only be done, first of all, once we have established whether it is desirable and then we are putting an caveat here saying that only if the funding is available. I am slightly wondering if the Minister's amendment is necessary because, of course, we never do anything in the States if we do not have the money for it. I think that is a given anyway. I am wondering by specifying it here whether it is just going to give an extra excuse ... if we find it desirable but we are not sure about the funding of it or the feasibility of it then we simply will not look at it. I think where Deputy Southern is coming from, perhaps for different reasons, it is not absolutely necessary to support the Minister's amendment but certainly it seems

that the Deputy of St. Mary's amendment is one which can be adopted very easily. But if we are committed to doing this anyway, I really do not see what the fuss is.

1.28.7 The Connétable of St. Brelade:

To speak about the funding first - effectively funding for this would have to come from the Car Park Trading Fund, which at present would not be able to sustain it without detriment to our maintenance and the remaining car parks, and the plans for new car parks, as we have at present. Secondly, if I may just bring in the feasibility side, there have been 4 studies so far which have indicated the lack of feasibility on the basis of financial affordability, not to say that it is not desirable, but I would say that as a result Deputy Dupre was given a presentation by my department subsequent to this, it was felt that if we were going to spend the sort of monies that were needed on Snow Hill car park that the public would gain better benefit by spending them properly at Green Street. There are several major constraints on the site in terms of its narrowness and, of course, the fact that our predecessors decided to put the cavern access through the car park, which requires access by large vehicles. So while my department has been charged to look at this, we have, and I am happy to pass the information on to States Members should they so wish.

1.28.8 Deputy K.C. Lewis:

Very briefly. In addition to things that the Minister has just said, the Car Park Trading Fund was, in effect, looted not long ago by way of £500,000 for the eastern cycle track and, as the Minister has mentioned, there is access to the cavern. Also, it was mooted a while ago that around Ann Court there should be a multi-storey car park built there, in which case the residents were up in arms. Fair enough, but let us not forget that we have residents in Regent Road and the blocks of flats there, they have rights too. So it is all to be taken into consideration.

1.28.9 The Deputy of St. Ouen:

I am rather confused by the comments made by the Constable of St. Helier because although it is recognised in the draft Island Plan that the feasibility of exploring the development or delivery of the Snow Hill car park is included in the recommendation in the Sustainable Transport Policy, in H106 on page 320 it clearly says that they do not believe it is going to happen within the term of the plan. So I think Deputy Dupre is absolutely right. Indeed, the Minister equally has to acknowledge that if we are serious about providing for increased parking in St. Helier this is one of the areas that needs to be properly considered. I do understand the Minister's concern over resources but I do not necessarily believe that that needs to be a difficulty in undertaking this piece of work.

1.28.10 Deputy P.V.F. Le Claire:

I think it is important to attend the Parish Assembly if the Parish is being affected by the Island Plan, and I certainly did attend a very lively Parish Assembly at St. Helier. Unfortunately, the Deputy was not there to talk about her amendment to the Island Plan, and I certainly was present in St. Clement and attended a lively Assembly there on what I was recommending. Feasibility and desirability should be completely ... well, feasibility has been taken into account but desirability or otherwise, when it is in St. Helier, should be just completely dismissed because it does not matter what the people of St. Helier believe or think in relation to what everybody else wants to do and I think we need to make that clear to the people of St. Helier: they do not count.

The Bailiff:

Does any other Member wish to speak? Very well, then I call upon the Minister to reply.

1.28.11 Senator F.E. Cohen:

Just an observation to begin: we seemed to be building up pace and now we seem to have slowed down again and if we all exercise the brevity expounded by Deputy Jeune, we could be finished this afternoon on the Island Plan.

[15:00]

To refer to the comments made by Members, the reason for this amendment is that the Island Plan has to be prudent and the Island Plan cannot promise to do things for which there is no funding and it is simply being precise and saying that: “Subject to the availability of funding”, it is a perfectly sensible thing to do. Deputy De Sousa asked if it was needed; it is needed, to be precise, because I cannot guarantee the delivery. Deputy Southern, well, there was a surprise there, he is going to vote against; the “half empty” Deputy will always vote against everything I propose. If I said that it was raining he would say it was sunny and if I said it was sunny he would say it was raining, so that is only to be expected. **[Members: Oh!]**

Deputy G.P. Southern:

Personal invective does not suit the Minister. He would be far better exercising his charm.

Senator F.E. Cohen:

I am not giving way. He is supported in his nonsense by Deputy Tadier who, similarly, is building himself up to deliver yet another excuse to vote against the rest of the House. I will leave it at that and I recommend this amendment to the House.

The Bailiff:

The appel is called for then in relation to the second amendment to amendment number 14 ...

Senator F.E. Cohen:

I believe Deputy Southern is threatening me, Sir.

The Bailiff:

I am sorry, I did not see that so can we just calm down and let us revert to the vote. The appel has been called for. Can we have quiet; Deputy Southern, please. Now, can we please have then the vote for the Minister’s amendment, and the Greffier will open the voting.

POUR: 35		CONTRE: 2		ABSTAIN: 0
Senator T.J. Le Main		Deputy G.P. Southern (H)		
Senator B.E. Shenton		Deputy J.M. Maçon (S)		
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérissier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				

Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				

The Bailiff:

Very well.

Deputy M Tadier:

Can I just make a point? I know banter in the Chamber is obviously a part of the job and it is sometimes welcome but, obviously, when statements are made for example that Deputy Southern never votes for anything that Senator Cohen puts forward, that is empirically provably wrong and so it is misleading the House. I remember several occasions today when Deputy Southern has supported the Minister so factual information should not be sacrificed for banter.

1.29 Island Plan 2011: approval (P.48/2011): fourteenth amendment (P.48/2011 Amd.(14)) - amendment ((P.48/2011 Amd.(14)Amd.)

The Bailiff:

Very well. Now, we will come then to the next amendment which is from the Deputy of St. Mary, this has already been touched upon. Minister, will you be accepting this amendment?

Senator F.E. Cohen:

Yes, Sir, subject to all the points previously mentioned.

The Bailiff:

Yes. Deputy of St. Mary, do you wish to propose your amendment?

1.29.1 The Deputy of St. Mary:

Yes, Sir. I think this might go with a slightly smaller majority so why would one want to add “and desirability”? Is it not enough just to prove that it is possible, because that is what feasibility is strictly, it is what shall we put there and can we do it? I list in my report some of the things that I think should also be considered, it is not just a matter of: “Can we put something in there?” and the practical difficulties are difficulties of access, headroom for vehicles, accessing the cavern, use of the space as a pedestrian and cycling route and impact on the historic aspect of the site. Now, all those raise qualitative questions: is this what we want to do? Is this the right trade-off? If we put so many hundred spaces in there will they block one of those things and how much does that matter? So there are trade-offs to be made with all those and we have to be aware of that, and I do not think we can just proceed on the basis of feasibility. Then, more importantly, there are larger issues which I list as: “Cost of alternative ways to achieve the same end.” The “end” is allowing people to shop in St. Helier in a convenient way. If you go up from the car park, that is what you

find, that is what we are trying to do, that is what the Chamber of Commerce wants, that is what the Constable of St. Helier wants; he wants it to be easier for people to shop in our capital. But maybe there are alternative ways and certainly 5 years or 10 years down the line maybe we should be careful of locking ourselves into a permanent expensive solution rather than a temporary “screw it all together with nuts and bolts and then take it down” Meccano solution. So those also are in the aspect of desirability. What kind of thing do we think we should be putting there? I also list some benefits, for instance, access to Fort Regent being facilitated, and that is an important issue and I am glad to hear one Deputy stamping her feet in response to that because, obviously, a real possible benefit for any good solution to Snow Hill is access to our wonderful Fort Regent which is currently so difficult or fairly difficult to get to. So I do think that “and desirability”, 2 little words, adds quite a lot to this amendment and I urge Members to support it.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any Member wish to speak on the amendment? Senator Ferguson?

1.29.2 Senator S.C. Ferguson:

The Minister has talked about precision in wording. “Desirability” is not a precise word, it is very subjective. I could say that I find the Minister for Planning very desirable **[Laughter]** ... I am sorry he is not here ...

Senator B.E. Shenton:

That is why he has left the Chamber **[Laughter]**

Senator S.C. Ferguson:

But I am not sure everybody would agree with me and I think if we are going to be precise then we do not put imprecise words into the plan and, besides which, the matter of desirability is a matter for this Assembly, it is not for the Minister for Planning and Environment; a large capital matter like this, if it is feasible, should come back to the Assembly. I suggest that we should not accept this particular amendment.

1.29.3 Deputy M. Tadier:

That is complete nonsense, in my opinion. Although that is the kind of banter we need, Senator Ferguson’s and Senator Shenton’s, that is completely clean and harmless - I think it makes listening at home on the radio that much more tolerable and I am sure it does for the Chair as well. So the Senator is essentially saying that because desirability is a subjective word that it should be taken out but it ignores the fact that feasibility is equally subjective; one man’s feasibility is another man’s impossible and it depends on the mindset, and the 2 go hand in hand and they are interlinked. Of course, desirability in itself will not be enough to go ahead with any project, it needs to be decided whether something is desirable and then you look at the feasibility of it, so the 2 are completely interlinked. I think we are making far too much heavy weather of this. I will speak now rather than speak again when it gets amended or does not get amended. We also need to bear in mind - and I am surprised it has not been mentioned yet - that there is ongoing work from the Fort Regent Political Steering Group; they produced an interim report in January this year and we really cannot forget Fort Regent from the equation because the future of Fort Regent surely has to have some kind of ... it certainly has to take into consideration whatever the future of that car park area is. We know that there have been reports done in the past, there have been plans drawn up - we looked at it on our Education and Home Affairs Scrutiny Panel - and there are some very imaginative ideas to deal with the future of Fort Regent. The interim report talks about, for example: “Opportunities for development at Fort Regent and surrounding areas from property holdings”, it is also again about: “The promotion of commercial opportunities for capital and income generation to enhance the facilities or to increase, or to explore opportunities for adding development to current structures in partnership with the private sector”, all things which I think

are good ideas and feasible options. So I think in order to see whether things are feasible and desirable, we need to look at these things in the round, we need to be aware of the future of Fort Regent, public-private partnerships which are beneficial to the Island as a whole, and including residents of St. Helier, one should add, it needs to be looked at in the round. But certainly I do not think we should be quibbling over the inclusion of “desirability” here because surely anything we do in the States has to be desirable and it is the majority which decides whether something is desirable or whether it is feasible.

1.29.4 Deputy G.P. Southern:

The word “desirability” is not a subjective word. Clearly “feasibility” is can we do it? “Desirability” is should we do it? Cost versus benefit, demand versus supply, more traffic versus less traffic; simple.

1.29.5 Deputy J.M. Maçon:

I have no bones about this amendment but the opening speech of the proposer did confuse me slightly. As I understood him, he said that a component of feasibility would be desirability, in which case you have got to ask why is the Deputy bringing this? But if he could respond to that, because I understood him to say it was a component part of feasibility in the first place.

1.29.6 Deputy A.E. Jeune:

Probably very similarly, I just feel that this amendment may just be completely unnecessary inasmuch as any feasibility study that I have ever experienced has always taken into consideration all the pros and cons, any obstacles you might find as you go along, so I do not know that it is necessary at all.

1.29.7 Senator F.E. Cohen:

I would just like to comment on Senator Ferguson’s comments, which I heard as I went into the back of the room **[Laughter]** and to comment that her comments today seem to be rather at odds with her comments only the other day when she said that I had not worn very well. **[Laughter]**

The Bailiff:

Very well. Does any other Member wish to speak? Then I call upon the Deputy of St. Mary to reply.

1.29.8 The Deputy of St. Mary:

Thank you to those who contributed to this, a few comments, obviously. “Desirability is subjective”, well, that is strange; I just went through my Island Plan which we are probably going to vote through and picked at random policy B1: “Town centre vitality”, 7C: “Loss of Public Space of detriment to the public use and enjoyment of the area” what does “enjoyment of the area” mean? B: “Impact on the character and amenity of the area” AG4 talks about: “The character and appearance of the conservation area.” Yes, of course, some aspects of “desirability” will be subjective. We as an Assembly, certainly whoever does the study and then the Assembly at the end, will have to decide whether it is more desirable to have the cycle/walking route through there or to have a car park or to have an access to Fort Regent or whether we can do all 3. So obviously there are trade-offs to be made. She tried to suggest that there was some issue with this coming back to the Assembly. I do not think the study will determine whether or not it comes back to the Assembly, I would imagine any major project would, and so I do not quite see how that connects to the amendment in front of us. Two people said desirability is part of feasibility; no, I have added the words because I think that they add a dimension, I think feasibility is, as Deputy Southern said, can we do it and desirability is should we do it. It is not unnecessary; feasibility looks at obstacles,

desirability looks at whether it is desirable, so I think this is worth supporting and I call for the appel.

The Bailiff:

Very well. The appel is called for then in relation to the 14th amendment of the Deputy of St. Mary. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 25		CONTRE: 9		ABSTAIN: 1
Senator T.J. Le Main		Senator S.C. Ferguson		Deputy J.B. Fox (H)
Senator B.E. Shenton		Senator A.J.H. Maclean		
Senator F.E. Cohen		Senator F.du H. Le Gresley		
Connétable of St. Helier		Connétable of St. Ouen		
Connétable of Grouville		Deputy R.C. Duhamel (S)		
Connétable of St. Brelade		Deputy of St. Ouen		
Connétable of St. John		Deputy of Trinity		
Connétable of St. Saviour		Deputy of St. John		
Connétable of St. Lawrence		Deputy A.E. Jeune (B)		
Deputy of St. Martin				
Deputy R.G. Le Hérisssier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

The Bailiff:

Very well. So then we return to the debate upon the amendment of Deputy Dupre, as amended, and I remind Members that the Minister has agreed to accept it. Does any other Member wish to speak? All those in favour of adopting the amendment kindly show? Those against? The amendment is adopted. We come next to the 41st amendment lodged by the Minister. It is on Members’ paper, I will not ask the Greffier to read it, and I invite the Minister to propose the 41st amendment.

Senator F.E. Cohen:

I thought I was doing the 52nd amendment, Sir.

[15:15]

1.30 Island Plan 2011: approval (P.48/2011) – fifty-second amendment (P.48/2011 Amd.(52))

The Bailiff:

Am I losing my place? Yes. I have written “adopted” against the wrong one. Very well, Minister, I apologise, it is the 52nd amendment which I invite you now to propose.

1.30.1 Senator F.E. Cohen (The Minister for Planning and Environment):

I am sympathetic to the intent of the proposed amendment by the Connétable of St. Helier, which seeks to increase the level of short-stay off-street car parking of benefit to visitors to the town, be they shoppers or tourists. As drafted, however, I consider that parts (a), (b) and (c) of the proposed amendments would have damaging consequences for the objectives of both the revised draft Island Plan and the Sustainable Transport Policy 2010 and are undeliverable through the planning system. I am therefore rejecting the form of the Connétable's amendment but propose my own further amendment, which seeks to support the intent of the original amendment while also seeking to accord with the Sustainable Transport Policy in a way that is relevant and not beyond the appropriate remit of the planning system. The independent planning inspectors agree with me that the amendment as drafted in its current form should not be accepted and would have damaging consequences as well as being well nigh impossible for planning control to deliver. The inspectors do support, however, my proposed amendment and I commend my amendment to the Assembly.

The Bailiff:

Is the amendment seconded? [**Seconded**] The Connétable of St. Helier?

1.30.2 The Connétable of St. Helier:

I thank the Minister and his team. This seems like a sensible compromise between what I was proposing and I certainly accept it.

The Bailiff:

Does any other Member wish to speak on the amendment? Very well, do you wish to reply, Minister? I am so sorry, Members apparently were ... Members are leaving things quite late. The Connétable of St. Saviour?

The Connétable of St. Saviour:

I did have my light on, Sir.

The Bailiff:

Did you? Perhaps my eyesight is failing after so long.

1.30.3 The Connétable of St. Saviour:

While the subject of off-street parking has come up, I will say this at this stage and not later on. There is one unmentionable part of off-street parking which no one wishes to address, and that is commuters. We have spoken about shoppers and visitors but an awful lot of cars come into town as commuters. While we are trying to achieve a 15 per cent reduction in traffic, that is a great aspiration, the problem is that creating parking shortages to stop cars coming in causes endless problems around the edges of town, that is St. Saviour and St. Clement. Yes, we need to reduce the traffic but we need an alternative method to get people into town. Using the stick before the carrot makes areas around the edge, especially in St. Saviour, an absolute nightmare. These policies must be implemented with common sense and not just with blind obedience otherwise, as I have said, it makes our areas absolutely impossible to live in.

1.30.4 Deputy M. Tadier:

I completely agree with the comments of the last speaker. There is a problem, though, when we talk about using the stick before the carrot if we are not willing to pay for the carrot up front, and that has traditionally been a problem in this House, is that we are not willing to necessarily think in the long term and fund things which do not have a short-term gain but which may have a medium and long-term benefit. We certainly recognise that in business that you need to invest to save, and we recognised that certainly in the Business Plan when we gave an extra half million pounds to the finance industry and many Members voted for that on the basis that it was an invest-to-save. So this is exactly what we need here. I do think it is important that we send out a coherent as well as correct message to the public that if we want them to get out of their cars whenever possible, we do

need to both be providing the alternatives for them and providing transitional arrangements in the meantime. But, that said, tough decisions will need to be made and there will need, no doubt, to be both the carrot and the stick, but they should be introduced together.

The Bailiff:

Does any other Member wish to speak? Very well, then I call upon the Minister to reply.

1.30.5 Senator F.E. Cohen:

I do not think that it is necessary to make any further comments and I commend my amendment to the Assembly and urge Members to support it.

The Bailiff:

All those in favour of adopting the amendment ... the appel is called for in relation to the 52nd amendment lodged by the Minister. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 33		CONTRE: 0		ABSTAIN: 1
Senator T.J. Le Main				Connétable of St. Saviour
Senator B.E. Shenton				
Senator F.E. Cohen				
Senator A. Breckon				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy of St. John				
Deputy M. Tadier (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.31 Island Plan 2011: approval (P.48/2011): forty-first amendment (P.48/2011 Amd.(41))

The Bailiff:

So now we come to the 41st amendment lodged by the Minister, the text is before Members, and so I invite the Minister to propose the 41st amendment.

1.31.1 Senator F.E. Cohen (The Minister for Planning and Environment):

This relates to the 22nd amendment by the Deputy of St. Mary to policy TT10, off-street public parking provision. I accept the principle behind the Deputy's amendment but propose my own amendment to deal with it. The department supports the need to evaluate the provision of car parking relative to an assessment of overall travel and transport issues affecting St. Helier. The specific provision intended to be allowed for in policy TT10, once every 2 years' review of parking demand, will allow just that relative to the objectives and performance of the Sustainable Transport Policy. In other words, if the policies and proposals of the S.T.P. (Sustainable Transport Policy) are delivered, which should encourage and deliver a modal switch away from the private car, it is right that the overall level of demand for and the supply of car parking and for the proportionate split of car-parking provision between long and short-stay car parking is reviewed. The Island Plan allows for this as set out in paragraph 8.98 and in policy TT10. My further amendment seeks to promote clarity and to remove doubt about the intention of this proviso. The independent planning inspectors support this further amendment, they state that policy TT10 as it stands implies that the parking standards for the North of St. Helier Masterplan might be driven by motorists and pressure groups' desire for more spaces, something that is likely to be open-ended and upwards. This would be contrary to the plan strategy and that in the S.T.P., both of which look to check and reduce the peak flow of vehicles in and out of St. Helier. The Minister's further amendment clarifies that the intention is to review standards in the light of the plan and the S.T.P. strategic aims. I urge Members to support my amendment to incorporate the intent behind the Deputy's original amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any other Member wish to speak on the amendment? The Deputy of St. Mary?

1.31.2 The Deputy of St. Mary:

It is another of those where I will be withdrawing the way that I have put this amendment so I think I should explain why I brought it and also to emphasise to Members just how important this amendment brought by the Minister is. The original policy spoke of: "The need and desire for parking at the time of implementation" and the 2-year review would take that into account. So there would only be one way, as he has just read out from the inspectors, more and more and more parking. Now, that may sound fine, but it is not because, of course, cars do not fly, they go along roads and they inconvenience and pollute and endanger and cause stress to everyone else using the street. So this is a very important amendment, it shows that the Minister is lining up, which was not the case in the original Island Plan, the S.T.P. with the Island Plan so that they agree with each other. That is really good, we will not any longer be predicting and providing and, in fact, the Island Plan will be consistent with itself because in the strategic policy section on page 37 there is a whole couple of pages headed: "Reduce, Manage, Invest" that is one of the strategic pillars of this plan. Why do we reduce and manage? In order to keep our costs as a Government and as a society to a sustainable level. We simply cannot afford to provide, provide, provide; it is just impossible, let alone undesirable. So that is the context. There is also in the strategic bit of the plan at the beginning, a section on reduced dependence on the car, which was also denied by the previous version of TT10. So I am very pleased, we should all be pleased, that the Minister has suggested this amendment that restrains long-stay off-street public parking, i.e. commuter parking, and the corollary of that is that the proportion of parking available to short-stay visitors - tourists and shoppers - will inevitably increase, and that is what the S.T.P. wants. I would just remind Members that when we come to debate the North of Town Masterplan, just remember that you have voted for

this, that TT10 now looks the way it does, it is much better than it was, but it does have implications for the Masterplan, and I support the Minister wholeheartedly.

The Bailiff:

Does any other Member wish to speak? Yes, sorry, I have seen the light of the Connétable of St. Brelade and then Senator Shenton.

1.31.3 The Connétable of St. Brelade:

Just to really endorse what the Deputy has just said and, in practical terms, the information which will be required for this is available within the department so it would be a question of biannually producing car park figures to determine the way forward for the ensuing period.

1.31.4 Senator B.E. Shenton:

Just to make a very short appeal for more motorcycle parking spaces. I would probably use my motorcycle more if there were more parking spaces. Sometimes if you go off on the bike, you cannot park it when you come back into town later on.

The Bailiff:

Does any other Member wish to speak? Very well, then I call upon the Minister to reply.

1.31.5 Senator F.E. Cohen:

I would just like to thank all Members who spoke and particularly the Deputy of St. Mary for his support, and I urge Members to support my amendment.

The Bailiff:

Very well, all those in favour of adopting the Minister's amendment, kindly show? Those against? The amendment is adopted. Now, as you have said, Deputy of St. Mary, it follows that your 22nd amendment now falls away. Very well. Similarly, the next matter is paragraph 19 of the 38th amendment, Connétable of St. Helier, I think that you were saying that yours now falls away in the light of the 52nd amendment.

The Connétable of St. Helier:

Yes, Sir. Thank you.

**1.32 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))
- paragraph 20**

The Bailiff:

So we move next to the 38th amendment, paragraph 20, lodged by the Connétable of St. Helier. Minister, will you be accepting this amendment?

Senator F.E. Cohen:

Yes, Sir.

The Bailiff:

Yes. Then I invite the Connétable of St. Helier to propose it.

1.32.1 The Connétable of St. Helier:

I think these matters have already been satisfactory endorsed by the Assembly and I propose the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any other Member wish to speak on the amendment? Yes, Deputy of St. Mary.

1.32.2 The Deputy of St. Mary:

Just briefly to remind Members with this amendment and the others of the Connétable of St. Helier that all he is trying to do ... and I think it is worth raising the profile of what we are doing in respect to St. Helier in this plan, it is really good that the Connétable has brought so many amendments and slightly troubling that he had to and we ought to think about that a little bit because he felt the need to do these things, and all they do is bring us up to where Germany and some parts of the U.K. were 10 years ago or maybe 20 years ago in terms of cycle routes, provision for pedestrians and so on. When I go to my wife's home town, the whole of the centre of the town is pedestrianised and cyclised and there is no problem at all. That is the context in which we are operating, that is what our visitors are astonished not to see, although if they come back and back they can see little improvements. But really the surprise is how slow we are at this and I commend this amendment.

The Bailiff:

Does any other Member wish to speak? Very well, do you wish to reply, Connétable?

1.32.3 The Connétable of St. Helier:

I am grateful to the Deputy of St. Mary for his compliment and I would just say that many of the amendments in the 38th amendment were the result of the Roads Committee of St. Helier's input and, indeed, a Parish Assembly where they were also considered and debated. With respect to his other comment, much as part of me would like to endorse his comment about the whole town being pedestrianised, I must put the view that was put to me very strongly by members of the Chamber of Commerce that there are advantages, of course, but there are also disbenefits. I have given an undertaking to the Chamber of Commerce and, indeed, to other retailers and members of the haulage industry that certainly if I have anything to do with it further pedestrianisation will have to wait a satisfactory resolution of the problem with parking. There simply are at the moment too many problems affecting people who wish to park in town. I realise that to some extent that may be a matter of perception; there are always spaces, for example in Pier Road Car Park and quite often in the other car parks, but at the moment, while there is this perception that town is difficult to access for shoppers who come in by car, I would not personally be able to support further pedestrianisation.

[15:30]

I do think in the longer term it is a goal worth pursuing but it is really important that we make town a welcoming place for people who, for whatever reason, cannot travel in here by bus or by bicycle. Having said that, I maintain the amendment.

The Bailiff:

Very well. All those in favour of adopting the amendment, kindly show? Those against? The amendment is adopted.

1.33 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 21

The Bailiff:

We come next to paragraph 21 of the 38th amendment, lodged by the Connétable of St. Helier. Minister, what approach are you adopting to this one?

Senator F.E. Cohen:

Sir, I accept the principles but propose my own amendment to deal with this matter.

The Bailiff:

Very well. Then I invite the Connétable of St. Helier to propose his amendment.

The Connétable of St. Helier:

I am not quite sure whether I need to withdraw this amendment or whether it will sit side-by-side with the Minister's amendment.

The Bailiff:

As I understand it, what the Minister is doing on this occasion is amending your amendment.

The Connétable of St. Helier:

Right. I will just propose it, then. I think this is ...

The Bailiff:

Sorry. Let us just be clear about that. Minister, you have lodged an amendment to this amendment and so presumably what you are saying is that, provided your amendment is carried through, you support the Connétable?

Senator F.E. Cohen:

That is correct.

1.33.1 The Connétable of St. Helier:

This matter was raised by the St. Helier Roads Committee, and somewhat surprisingly, but I think it does make sense. The restriction in the Island Plan against new private car parks has been challenged in this amendment because, as was pointed out at the meeting, when you provide more private car parks you take the pressure off the public car parks and why should we be stopping the private sector from helping us deliver a solution to our parking problems. Of course, a lot of these private car park spaces will be taken by commuters but I think the Connétable of St. Saviour has already mentioned the problem of restricting commuter parking and the problem that creates on the outlying Parishes. So the Roads Committee felt that this was a pragmatic way of approaching a number of problems around commuter parking. The Minister is going to propose that there is no net increase in the provision of private car parking, I am not a great believer in putting caps on things, I just do not think they ever fit, they are normally thrown off. I am reminded of the fact that the former Economic Adviser, Mr. Colin Powell - if I can mention him, I do not know if I can - in his economic survey of Jersey written, I think, in 1975, indicated that a cap would need to be put on traffic because it was rapidly becoming unacceptable in the town centre, and this is 36 years ago. So whether the Minister's cap on parking is going to work is an interesting question but, certainly, the Roads Committee feel that there is still a place for private car parking because, as I say, it does address the need that some people will still have to drive to town in their private motor car. I maintain the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]**

1.34 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 21 - amendment (P.48/2011 Amd.(38)Amd.(2))

The Bailiff:

Very well, now there is an amendment by the Minister to the Constable's amendment and therefore I shall invite the Minister to propose that amendment.

1.34.1 Senator F.E. Cohen (The Minister for Planning and Environment):

I would like to compliment the Constable of St. Helier in raising this issue and I am accepting the intent of his amendment but propose my own further amendment to deal with the issue. The suggestion has been made by the Deputy of St. Mary that there is something negative about the Constable of St. Helier raising so many amendments or feeling the necessity to do so; this is a collaborative venture, this Island Plan, it is not in its present form the work of one Minister, it absorbs the work of all Members and Members have worked extraordinarily hard to go through 500 pages of detailed plans. It is a great credit to Members that they have sought to have brought so many amendments, I think it is a compliment to them and should not be regarded as in any way negative in terms of the overall plan. I am sympathetic to the intent of the proposed amendment which seeks to ensure that car-parking provision for commuters is made around the edge of St. Helier to discourage traffic from entering the centre of town, it is common sense. The amendment as drafted, however, is unqualified and essentially provides an exception for the unrestricted provision of car parks for commuters around the edge of town. I believe that this is an unintended consequence of the proposed change and is one which is entirely contrary to the stated objectives of the Sustainable Transport Policy. The independent planning inspectors support my view and only recommend acceptance of the amendment on the basis of my further amendment as proposed.

The Bailiff:

Is the Minister’s amendment to the amendment seconded? **[Seconded]** Does any Member wish to speak on the Minister’s amendment? The Deputy of St. Mary?

1.34.2 The Deputy of St. Mary:

The idea is that if there is to be any new car parking for commuters, it would be on the ring road and they would have to replace an existing private non-residential car park within the ring road. That is fine, so the amendment is certainly a big improvement on the Constable’s original suggestion. I stand simply to remind Members that, as we get closer and closer to the North of Town Masterplan, I just urge Members not to forget what we are voting for here when we come to that plan because you may remember, or you may not, that buried in the Hopkins Report and buried in the approval of the North of Town Masterplan as it stands is a new car park for 200 commuters half way down Bath Street, which is directly contradictory to the thrust of this amendment. So I fully, again, support the Minister; he is right so far as it goes. I personally would hope the park and ride was somewhere nearer to people’s homes, maybe at Grève de Lecq Car Park or the new car park that the Deputy of St. John is working on, so that people do not even make that 4-mile journey.

The Bailiff:

Does any other Member wish to speak? Very well, I call upon the Minister to reply.

1.34.3 Senator F.E. Cohen:

I particularly thank the Deputy of St. Mary and urge Members to support my amendment.

The Bailiff:

The appel is called for then in relation to the amendment by the Minister to the amendment of the Connétable. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 32		CONTRE: 3		ABSTAIN: 0
Senator P.F.C. Ozouf		Connétable of St. Saviour		
Senator T.J. Le Main		Deputy A.K.F. Green (H)		
Senator B.E. Shenton		Deputy J.M. Maçon (S)		
Senator F.E. Cohen				
Senator A. Breckon				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				

Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Peter				
Connétable of St. Lawrence				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy of Trinity				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy T.A. Vallois (S)				
Deputy D.J. De Sousa (H)				

**1.35 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))
- paragraph 21 - as amended**

The Bailiff:

So then we return to the amendment of the Connétable of St. Helier as amended. Does any other Member wish to speak on that? Deputy Tadier?

1.35.1 Deputy M. Tadier:

I think we are mindful that patterns of car usage and also car parking need will change dramatically over the next perhaps 10 or 20 years but it is not going to be Government policy itself, which is responsible for the change in behaviour; in fact, it will probably be, I imagine, economics and it will also be down to oil and also probably a slight balancing of wealth globally in years to come. And so I think we also, with those factors in mind, have to be aware that there may well be circumstances in the very near future when car parking is needed to be changed to other use, and so it is quite right that we are mindful, whether it is private car parking or car parks that the States are running themselves, of where they are put, they have to be done delicately and sensibly and I think therefore it is quite right that the Minister has amended the Constable's proposition as it now stands so that we cannot just see an unlimited amount of growth for private car parks. Because we have to be mindful, of course, the difference between the States providing parking and the private sector providing parking, while there is space for those and while they are both necessary in the short to medium term, is that the States have a completely different vision, they hopefully have a long-term policy for where parking is going in the Island whereas private car parking will simply be due to economic factors in the short term, normally. So it is quite right that we do take a holistic view.

The Bailiff:

Does any other Member wish to speak? Very well, then I call upon the Connétable to reply.

1.35.2 The Connétable of St. Helier:

I thank the Deputy for his comments. I would just put in a quick word for the commuter, if you like. I think one thing that I have understood as I have got older and busier is that the commute in one's own car is sometimes a very important part of the day, leaving possibly a chaotic household and going into a chaotic office and you have those few precious minutes, even if you are in a traffic jam, where you can listen to your own music and just catch up on one's thoughts. So I think there is something to be said for commuting, and clearly the important thing in this Island is that we offer people choice: if people choose to commute, they may have to pay more, they will certainly pay more for their parking, but that is a choice that they should be able to make. Equally, if people choose to cycle to work or to walk to work, that should be facilitated as well, it should not be difficult, as it currently is in many parts of the Island, to make those journeys which in sustainability terms are certainly much better for the environment and much better for one's health. So I do not think this Assembly wants to perhaps adopt a line here, I think we have a balanced Island Plan which will deliver parking for commuters as well as parking for shoppers, visitors and residents. It will also be delivering much better walking and cycling facilities and I think that makes it a very balanced plan in terms of transport and I think that is how it should be. I maintain the amendment.

The Bailiff:

Very well, all those in favour of adopting the amendment kindly show. Those against. The amendment is adopted.

1.36 Island Plan 2011: approval (P.48/2011): thirty-first amendment (P.48/2011 Amd.(31))

The Bailiff:

Then we come next to the amendment lodged by Deputy Maçon, that is parts (a) and (b) of the 31st amendment. Again, I do not propose to ask the Greffier to read this out. Minister, what approach are you adopting to this amendment?

Senator F.E. Cohen:

Sir, I am accepting both parts. I hope it is brief.

The Bailiff:

Very well. Then I invite Deputy Maçon to propose the amendment.

1.36.1 Deputy J.M. Maçon:

There are a few points I need to address but I am glad that we are finally here. Where do I begin ... at the end. The first part of my amendment tries to echo the sentiments that were brought forward when we discussed the Sustainable Transport Policy by the Constable of St. Mary's amendment and I worded it to say that: "The Minister thus acknowledges that for some sections of the Island community the private vehicle [and it is important that I put "vehicle" and not "car"] remains the only practical transport option and that parking for commercial vehicles is also of significance to business." The reason why I wanted to do this is because there has been a lot of discussion around commuter car parking but the point I wanted to raise is that not everyone works in an office, not everyone works 9.00 a.m. till 5.00 p.m., in fact, we are living in a society where working is much different, hours that people work are different and that, of course, has implications for things such as cycling at night or using the bus at different points, and also the different professionals that need to use vehicles which are outside of just going to town. You might have to regularly go to more remote places of the Island on a regular basis. I draw Members' attention to page 327 of the Island Plan and I will quote where it says: "Parking space in association with new development is an efficient use of valuable land." I will question this as an opinion because, if your livelihood requires you to have a vehicle to travel around the Island, I would argue that that use of land for you is pretty essential in that you need it that way. So for the department to say it is not an efficient

use of land, I would say that is a matter of opinion, not necessarily fact. Also, there is another point, which is why I go on to talk about the mix between urban and rural parts of the Island, and the reason why I brought this is if you look at the Statistics Unit and you look at the average wage breakdown, the problem is that there is a link, a correlation between those who earn certain wages in certain professions and the ability for them to afford different properties throughout the Island in different parts. In other words, there is a link that if you require a vehicle in order to do your profession, there is a link to say that you are more likely to than be able to afford property within the urban areas. Now, if we are proposing to go forward with a plan that says: "We want to plan out parking spaces in urban areas" we are going to be hitting a brick wall here, I feel, because those professions require parking spaces within urban areas. So I feel there is a bit of a tension there which is why I brought forward my amendment which, although all it does is frame the way in which parking guidance will be given, that is all I could do.

[15:45]

Unfortunately the States supported the Sustainable Transport Policy and that had a huge effect on the way in which this whole plan was formed and to change it more than that, unfortunately, would have been far too much. I just want to make the point to Members that within this Island Plan, by adopting it, we will use the current formula that we have, which is roughly one bedroom, one parking space, that will be much more flexible depending where developments are. The point I wanted to raise, and it is a consideration for the urban Parishes, particularly in my own Parish, if you look at areas where perhaps there are older buildings where they were built in a time when car-parking spaces were not used, the implication is do people go without their cars? I think this is something which comes forward in the plan, it is based on the assumption that if you reduce car parking spaces, people will go without their cars but, of course, that is not the case; what happens is they end up parking on the streets, on roads, blocking other people's entrances and drives and things, and these are the issues which, as a Deputy of an urban area, I try to deal with. My concern is by adopting this plan, we are not making it better, we are going to make the issues which I have to deal with worse. When the Minister introduced this proposition he said this is the Minister's vision of the Island and how he wants it to change, but I wonder, if the Minister was a tradesman or perhaps he was disabled or perhaps he was a parent working term-time only, would the way the parking provisions are being formed and being done be the same? I would suggest probably they would not be.

Senator F.E. Cohen:

I am a parent working during the term time.

Deputy J.M. Maçon:

But working term-time only, which is till 3.00 p.m. and of course, I know the Minister works much longer than that, being the dedicated Member that he is.

Senator F.E. Cohen:

Not every day.

Deputy J.M. Maçon:

Not every day. I just want to draw Members' attention to the inspectors' comments to my amendment, if I can find them, where they say: "The second park usefully enlarges the range of circumstances for which different parking stamps may be appropriate." It is very kind of them to comment upon that. I have looked at the consultation comments, I did get one strongly disagree with my amendments, 2 neutral, 2 agree and 2 strongly agree. I do want to quote 2 of them. I do not know this individual, they are just a normal member of the public, but I think it is important that I quote from them where they say: "Working in a trade where you need to drop off equipment at a business to do the job, there is nowhere to park the vehicle or even drop off equipment, taking

at most 10 minutes. There are unloading bays in town but they are always full. More consideration needs to be done for traders such as engineers, plumbers, decorators who need to do a job in town but there is nowhere to park, and if there is usually 10 minutes [it is not my English, it is someone else's] away", so they have to carry lots of equipment around town. Again, we have been through a big section where people have been praised for cycling and bringing provisions about cycling, but the point I wanted to make is, at the end of the day, you still have the basic problem of getting people, equipment around and, again, it is all to do with the contradictions which I feel are in this plan. I do appreciate in this amendment I probably will not be getting the support of the Minister for Transport and Technical Services, the Assistant Minister and the Deputy of St. Mary, all of whom have strong feelings about the Sustainable Transport Policy. Again, because of how it has influenced this plan, I feel that they probably may not be able to feel that they can support my amendment, but I hope that Members will feel that, although it does not change the kind of thrust, it does help enlarge the way in which the parking standards will be formed. Finally, I wish to address things because the Island Plan addresses many different things but, in particular, the visual aspect and if inadequate parking provision is provided there is an impact on the street scene. Of course, we see this in various parts of St. Helier and St. Saviour, perhaps St. Lawrence as well, where you have cars parked on the side of the road; that of course, impacts the visual aspect of the streets and of course it has a safety impact as well, people being seen when they are crossing, et cetera, which again is all tied up into appropriate car-parking provision. On page 74 of the Island Plan there is a section called: "Reducing the dependency of the car." I would like to challenge that because I think it is not reducing the dependency of the car, it is reducing the dependency of the vehicle because although the policy tries to thrust reducing the car, if you are planning out parking spaces, how can you say that will not be used for a van or whatever else, and so there is that contradiction in there as well, which is why I brought forward my amendment to give more sway to that, more flexibility. I do not always get the support of the architects. Being on Planning, sometimes I am criticised, but I would like to quote from their submission, which is where they say: "The Association of Jersey Architects is in strong support of amendment 31, which acknowledges that in many professions a private vehicle is essential and that while the current Island Plan puts great emphasis on reducing dependency on the private car by planning out private residential parking spaces, particularly in urban areas, it appears to ignore that for many professions a private vehicle is essential in order to carry out their occupation. This is not just about our profession, indeed, not about any profession, it is all about businesses and firms that have to use a private vehicle to conduct their day-to-day operations. We would add to the revised draft Island Plan that the draft Island Plan views all travel as non-sustainable and anti-ecoactive, which fails to recognise the increasing availability of green private vehicles that do not use carbon fuels. We agree the draft Island Plan is flawed because it fundamentally is predicated on one simple premise we all stop travelling everywhere, bringing a complete stop to human activity." Of course, those are not my words, that is a submission from the Association of Jersey Architects. But it is important to note that, at the end of the day, we all need to get around, we all need to carry on with our lives and that bus and cycling is not enough. On Planning we do, on occasion, have architects and developers who come to us and say: "It is in St. Helier, why does it need a parking space? It is next to a bus stop, why does it need a parking space?" I hope that I have outlined lots of reasons why just because you live in St. Helier, means that you might need a parking space with that property as well. Also, in the plan it talks about trying to reduce carbon by private vehicle emissions and everything but, as the Association of Jersey Architects' submission points out, technology is changing, the use of electric cars is perhaps becoming more commonplace. While some may predict that with peak oil you will see a reduction in cars, I would suggest you will probably just see a change in technology and that people will use other methods in order to get around. So that does not necessarily mean that the need to make provision for space for a vehicle, of whatever description that may be, is therefore going to go away and, therefore, that is why I brought this amendment and I hope Members will agree with my perspective and I make the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any other Member wish to speak on the amendment?

1.36.2 The Connétable of St. Helier:

Just briefly, I think certainly servicing and the needs of servicing companies was part of the first amendment that I brought - it seems a long time ago - to the general development considerations where the Roads Committee asked that consideration be given for better parking facilities for shoppers, visitors and servicing. The Deputy is quite right, there is a great deal of difficulty for service companies and delivery vehicles in finding somewhere to park at certain times of the day. I went in a vehicle with the previous Minister for Transport and Technical Services for a drive around with a delivery company. What struck us, and I think struck the driver, was the high proportion of unloading bays that were not being used for unloading at all, they were all being used by everybody else who wanted just to stop off and get a newspaper or whatever. I pay tribute to the work of the parking control officers who spend a lot of their day chasing people off the unloading spaces - and indeed the disabled bays as well - so that these restricted parking areas can be used by the people for whom they were intended. Having said that, I think there is a case for more provision and I have discussed with several companies the possibility of some kind of permit system that would make it easier to discriminate between those who are genuinely using the bays for unloading and those who are simply trying to get a bit of free parking. I would hope that we can work together as town representatives with the Minister to try to bring about improvements in this area.

1.36.3 The Connétable of St. Saviour:

Just very briefly, I think this produces a certain amount of common sense into a plan that, if used rigidly, could cause problems.

1.36.4 Deputy M. Tadier:

I think there is very little which is controversial in Deputy Maçon's amendment here. The only thing that one could perhaps split hairs over is talking about how big this section of society is for which the private car, the car essentially, remains the only practical transport option. I think it is true certainly for the vast majority of the population, the car is the most convenient form of transport, some obviously have more options than others. When it comes to the matter of what I would call the white van traders, I think we have to differentiate between sole traders for whom the vehicle is their only mode of transport, they use it for work, and they use it for general transportation as well, and that is fine. But there also is a section of society who work for somebody, and it may be a very large employer who have their own vans, and that creates big headaches. Deputy Power will also know this, probably with more experience than myself, of the problems it does create, particularly on estates where there is already a finite amount of parking, and those individuals have their own car and they may have a moped and they have also got a white van, which is just a work van, which they are using because, at the end of the day, it is maybe more practical, it certainly saves on petrol fees. I think it would be good to see perhaps in those cases the business community, the employers taking more responsibility for providing parking for those vans because it is simply not acceptable that these individuals bring them back home every day when other people with perhaps just one car are struggling to find a space for themselves to park. So I think we do need to differentiate because certainly with regards to Deputy Maçon's amendment, I do not think there is anything which is controversial. We do have to be mindful of the fact that the public in general do have different lifestyles, they have different employment needs and some of them at the moment do require, of course, vans which are used, as I have said, for multi purposes.

1.36.5 The Deputy of St. Mary:

Just 2 points arising from what the proposer said, which I found quite interesting, and I am not necessarily going to vote against this, partly because he is quite clear that he is limiting this to some sections of the Island community and clearly there are people for whom the private vehicle remains the only practical transport option. But I would invite him and others to consider 2 points: one is the very fast movement of technology in response to peak oil and just because technology races ahead anyway. I have recently had the privilege of having 2 people staying at our house who were running the demonstration project for electric vehicles in Germany for the German Government and there is a photo on their website of their yard with this circle of electric vehicles of all kinds: delivery vehicles, bicycles with trailers, totally enclosed bicycles like motorbikes, cars, 2-seater, 4-seater and so on; it is quite an amazing picture. What it shows is that it is here now, those vehicles are all available, they are using them every day, they are evaluating them for the German Government as to how they solve issues, and of course, they are all shared. So just those few cars in the yard serve 70 people, 70 adults. I just want us to take on board first of all the car-sharing aspect and secondly the electrical technology aspect and to build that into the thinking. I know the Minister is very keen on electric vehicles and so, I think, is the Minister for Transport and Technical Services supportive of making that more possible, but just to remind people how fast this is all developing and how near it is. The point that is very relevant to what the proposer was saying was that these vehicles are small, they take a lot less space, they are designed to be compact and in Jersey that, of course, is a huge plus.

[16:00]

So although this is votable for, we have to remember that we are not looking at 6 metres for a space, necessarily, we might be looking at a lot less. Of course, then you get more space for your buck. The second point was - if I can remember what it was - yes, I can remember what it was: that the amendment does not specify how these spaces should be provided, and rightly so, but I am slightly concerned that the implication is that your parking space, whether you are a business person or whether you are a private individual ... and I think that the 2 are different; if you are disabled and you need a particular vehicle, you will need that very close to the door or in your garage or whatever. But if you are a trader or if you are somebody who is mobile then it might be a lot more space-efficient to group the vehicles and not have them right outside the door. So I just want the proposer to confirm that he is aware of the pace of change and how we do not need such great spaces and also how we can group the spaces to get more efficient use and therefore more space for other uses, which is so valuable in our small Island.

1.36.6 Deputy R.G. Le Hérisier:

Very quick. It is ironic, despite what the Deputy of St. Mary is saying, that Volkswagen was just classified today in a survey, which is in the national press as being the least environmentally friendly of the big European manufacturers. What I should also ask Deputy Maçon, I wonder if he could talk about how he sees the dreaded residential parking schemes fitting because as we all know, particularly if we live around St. Thomas, that can have strange consequences, meritorious though the idea may be in its founding.

1.36.7 The Connétable of St. Brelade:

Just a couple of points. I think the Deputy proposes quite a pragmatic solution. I think it is as a result of the economy in Jersey having driven a lot of tradesmen out of their workshops and the associated accommodation for their vehicles into an operation running out of a van, they simply cannot afford to pay the cost of workshops these days and we are seeing the result. Another question I would put to the Deputy to consider is the actual definition of a “commercial vehicle” which, many Connétales will be aware, is not an easy one and there is not a true definition of a commercial vehicle. You will very often find that a large van parked out some person’s window will not be popular, and that has to be taken into consideration. I think that will probably support

the view that Planning do need to make provision for parking for the white van man which, of course, is really dictated by the fact there is not parking in multi-storeys because of the increased height and maybe in future we need to provide for multi-storeys, which has been discussed. So the Deputy intimated, and myself and my Deputy ... I cannot speak that my Deputy would not be supportive, but I suspect that we would support the Deputy.

1.36.8 Deputy S. Power:

Very briefly. I think Deputy Maçon is to be commended on this one because it brings common sense, the wording makes a lot of common sense. Very briefly, there are individuals on this Island whose only vehicle is a van of some kind or a pick-up of some kind and they have the right to park as close to where they live as possible. There are also many family units on this Island whose vehicle or second vehicle is a delivery vehicle or a utility vehicle of some kind. Anyone who sits and watches the traffic outside any of the schools on any morning, secondary school or certainly Quennevais or De La Salle or College, you will see a large number of children, students being dropped off in vehicles which are not easily regarded as passenger cars, they are different types of vehicles. It brings me back, finally, on my last comments, to the debate - I do not know when it was, was it last week? Last week was the debate on Thistlegrove, was it, or last year, I think it was last week - where we were debating the provision of industrial space. Senator Perchard got awfully upset about it, and it comes down to this: there are many commercial companies who have a fleet of vehicles and they encourage their drivers to take these vehicles back home at weekends because they have not got space to park them. So what happens, all these vehicles pour into St. Helier, St. Saviour and St. Clement and the driver is expected to accommodate that vehicle over the weekend on top of their own vehicle, and that causes another issue. But that is outside the scope of this particular amendment, so I will be supporting Deputy Maçon, and he is to be commended.

The Bailiff:

Does any other Member wish to speak? Very well, then I call upon Deputy Maçon to reply.

1.36.9 Deputy J.M. Maçon:

I would like to thank all those Members who have spoken. I will try in reverse order. Deputy Le Hérisier asked me about residents parking schemes and I will give a very good Planning response: in some situations they may be good and in some situations they may be bad but I, personally, still think it makes more sense if you plan them in when you are designing a property rather than leaving it later on when you do not have that option, that is my attitude. However, I appreciate with this plan that really changes depending on what area you live in, for better or for worse. The Constable of St. Brelade asked me how one defines "commercial vehicles." Because the department will have to design the Supplementary Planning Guidance with regards to parking, it is left in the department's remit in order to design how that should be done, and that is why I did not go further, as the Deputy of St. Mary said, because we have to wait and see what the Supplementary Planning Guidance says before we can starting giving formulas or anything like that, so that is in the hands of the department, I am afraid. The Deputy of St. Mary echoed my point about the change of technology, and I thank him for that. He started talking about different things about a van as opposed to a car, and things like that over the lifetime of a person but, of course, it goes back to the point of if you have provision for the first occupier, yes, it might be a car and maybe you do not need that for the commute, but perhaps the next person is someone who has an occupation ... perhaps they will age and perhaps they might need a car later in life when they are less mobile. Again, when you are coming to planning, you cannot just think about 5 or 10 years down the line, you have to think much more long term, I feel, and that is again why I think when you talk about parking and parking provision, you have got to do it at the planning stage. Then the Deputy of St. Mary asked me; am I aware of different technology and how that applies on space and how you might not need 6 metres for car parking space, you might need something else. I am aware of that and how technology is changing and how the way we receive and deliver goods is

changing, but I will make the point that, at the end of the day, we are still humans and no matter how far technology advances, getting a person from point A to point B or goods from point A to point B is still going to happen and therefore a need is still going to be there for parking provision. Deputy Tadier asked me about white van man but I just want to point out: do not just think about tradesmen, it is doctors, lawyers, nurses in particular, where these types of provisions are very important and also in various charitable sectors as well, which is why when we are developing areas, particularly in urban areas, we really need to give great importance to how parking provision is applied. I thank all other Members who have spoken. In conclusion, I would also like to thank the Minister for accepting my amendment. I would also like to thank the officers for the help that they have given in drafting this particular amendment and, with that, Sir, I call for the appel.

The Bailiff:

Very well. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 34	CONTRE: 0	ABSTAIN: 0
Senator T.J. Le Main		
Senator B.E. Shenton		
Senator F.E. Cohen		
Senator S.C. Ferguson		
Senator F.du H. Le Gresley		
Connétable of St. Ouen		
Connétable of St. Helier		
Connétable of Grouville		
Connétable of St. Brelade		
Connétable of St. Saviour		
Connétable of St. Peter		
Connétable of St. Lawrence		
Deputy R.C. Duhamel (S)		
Deputy of St. Martin		
Deputy R.G. Le Hérisier (S)		
Deputy J.B. Fox (H)		
Deputy G.P. Southern (H)		
Deputy of St. Ouen		
Deputy J.A. Hilton (H)		
Deputy P.V.F. Le Claire (H)		
Deputy J.A.N. Le Fondré (L)		
Deputy of Trinity		
Deputy S.S.P.A. Power (B)		
Deputy S. Pitman (H)		
Deputy K.C. Lewis (S)		
Deputy of St. John		
Deputy M. Tadier (B)		
Deputy A.E. Jeune (B)		
Deputy of St. Mary		
Deputy E.J. Noel (L)		
Deputy T.A. Vallois (S)		
Deputy A.K.F. Green (H)		
Deputy D.J. De Sousa (H)		
Deputy J.M. Maçon (S)		

Can I raise one matter with Members, the Greffier has drawn to my attention as to whether Members could perhaps exercise some restraint in calling for appels. Apparently each appel generates a total of about 45 minutes' of work in terms of writing up Hansard, the minutes and everything else, and at the moment the Greffier has 15 hours of work already to do as a result of the

appels during the course of this debate. Now, clearly, where a matter is uncertain an appel is well called for but on a matter where it is obvious Members are going to support it, I just invite Members to consider how necessary it is. But I understand the contrary argument which is that there is a record of how people vote.

Deputy J.A.N. Le Fondré:

Sir, can I just raise one question? We have had something circulated for the running order for the North of Town Masterplan. The only query is that I note the amendments by the Minister are not included in that running order.

1.37 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38)) - paragraph 22

The Bailiff:

Right. I am told they have been withdrawn. Let us for the moment stick to this. We move next then to the 38th amendment, paragraph 22, lodged by the Connétable of St. Helier. Minister, will you be accepting this one?

Senator F.E. Cohen:

Sir, I will and hopefully it will be short.

The Bailiff:

Yes. Very well, well, the Connétable of St. Helier has a good track record for being short where his amendments are being accepted and I invite the Connétable to propose it.

1.37.1 The Connétable of St. Helier:

Yes. This requires the Ministers to consult upon their proposals for parking guidelines and I maintain the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any other Member wish to speak on the amendment? Very well. All those in favour of adopting the amendment kindly show? Those against. The amendment is adopted.

1.38 Island Plan 2011: approval (P.48/2011): twentieth amendment (P.48/2011 Amd.(20)) - paragraph 7

The Bailiff:

We come next to the 20th amendment, paragraph 7, lodged by the Deputy of St. Mary and again, Minister, will you be accepting this one?

Senator F.E. Cohen:

Yes, Sir, and hopefully this can be a short one too.

The Bailiff:

Very well. I invite the Deputy of St. Mary to propose paragraph 7 of his 20th amendment.

1.38.1 The Deputy of St. Mary:

This is a tidying up or, in my view, quite an improvement on what was there. The policy as it stood, NR7, Natural Resources 7, talked about: "On-site low carbon or renewable energy

production in order to offset 10 per cent of the development's carbon emissions" and it is clear to me that it might be more effective, cheaper if you like, to get the same result by reducing the energy demand of the units to the same extent so, instead of generating extra energy, you can meet the target by reducing the energy demand. I think we should allow ourselves that flexibility to choose the best way to achieve whatever level of carbon saving is laid down. I think NR7 does allow flexibility in the level of carbon saving, a Minister can up the saving - and indeed he should - but this allows us to go different ways to achieve the goal.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any other Member wish to speak on the amendment? Very well. All those in favour of adopting the amendment kindly show? Those against. The amendment is adopted.

**1.39 Island Plan 2011: approval (P.48/2011): thirty-eighth amendment (P.48/2011 Amd.(38))
- paragraph 23**

The Bailiff:

Then we come to paragraph 23 of the 38th amendment, lodged by the Connétable of St. Helier. Minister, will you be accepting this one?

Senator F.E. Cohen:

Sir, I will; another quick one, I think.

The Bailiff:

Very well. I invite the Connétable to propose it.

1.39.1 The Connétable of St. Helier:

This has already been touched upon by the Minister in his amendment and it relates to access to La Collette reclamation site, La Collette 2. The report accompanying the 38th amendment, I think, stresses the importance that this linear park stretching from town across Fort Regent and down on to La Collette 2 has been seen for years as being an important part of the open space delivery for St. Helier and to simply summarily close it off, as happens in the current Island Plan, is not at all acceptable. The purpose of this amendment, which has been modified by the Minister, is to make sure that consideration will be given to allowing reasonable access where health and safety allows it to the public so that this important extension to the Island is, indeed, appreciated by everybody. I maintain the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any other Member wish to speak on the amendment? Very well. All those in favour of adopting the amendment kindly show?

1.39.2 The Connétable of St. Brelade:

If I may. There is an innuendo in the report that proper risk assessment and risk management has not been undertaken. I would challenge that statement in that, obviously, to get to this stage there has been a considerable amount of risk assessment and health and safety consideration.

[16:15]

Having said that, I would very much like the area to be open to the public so I am keen to support the Connétable in his thoughts.

1.39.3 The Deputy of St. Mary:

Just briefly, a few words on risk. It is easy to say: “That is dangerous. That is dangerous, do not do this, do not do that” quite rightly, the Connétable of St. Helier has put a proviso on that and has simply said: “We need to look at this carefully and take things into consideration” rather than regard the degree of risk as an absolute god and if there is any risk at all then we cannot do it.

The Bailiff:

Does any other Member wish to speak? Yes. Then I call upon the Connétable to reply.

1.39.4 The Connétable of St. Helier:

I thank Members for their comments. I maintain the amendment.

The Bailiff:

Very well. All those in favour of adopting the amendment kindly show? Those against. It is adopted.

1.40 Island Plan 2011: approval (P.48/2011): sixteenth amendment (P.48/2011 Amd.(16))

The Bailiff:

We come next to the 16th amendment, lodged by Deputy Le Fondré. Will you be accepting this one, Minister?

Senator F.E. Cohen:

I have pleasure in accepting this, which I hope will also be brief.

1.40.1 Deputy J.A.N. Le Fondré:

I am glad I spent another few minutes writing up another speech, which I shall now ditch. So, basically, I thank very much the Minister for accepting it, it seems to me a very obvious one in today’s climate. It was never about casting aspersions on individuals or actions, it is about how we move into the modern times. Interestingly enough, I notice that the R.T.P.I. (Royal Town Planning Institute) have also in their corporate plan for the next 4 or 5 years talked about increasing transparency, et cetera, in their governance role. So I hope it is entirely consistent, particularly when we are talking about working in partnership with developers and landowners in IM1. On that basis, I make the amendment.

The Bailiff:

Is the amendment seconded? **[Seconded]** Does any other Member wish to speak on the amendment? Deputy of St. Mary?

1.40.2 The Deputy of St. Mary:

I have to say I am puzzled by this because the original amendment when I read it from Deputy Le Fondré I thought: “Yes, that is absolutely fine, we should separate out these 2 functions.” Then I read the inspectors’ report on this and he said: “No, this does not belong in a plan, it belongs with procedures elsewhere about how the Planning Department runs” and I know that the Minister is reviewing that and therefore it simply is not part of land-use planning, and the Minister also rejected the amendment on those grounds which seemed to me to be sound. So I had gone from thinking Deputy Le Fondré was right to agreeing with the inspector and the Minister, who accepted the inspector saying: “This does not really belong here.” Now I am having to wonder why the Minister has done a complete 180 degree U-turn and says that: “After all, it does fit in the plan even though it did not a week ago.” I am afraid I am just a tad confused and I do think we are in danger of just going through this - and I know that the next one is going to be slightly more contentious - but I would like someone to explain, perhaps the Minister would like to explain his complete change of view on this?

1.40.3 Senator F.E. Cohen:

This amendment does little harm to the plan. The proposal is not usually something that would be contained or dealt with in this way by the plan, but it does absolutely no harm and therefore I have pleasure in accepting it. I have tried to take, as Members will be aware, a reasonable approach with Members' amendments and where possible to accept them and where they needed slight tweaks to lodge my own amendments to enable the principle to be adopted and, in this case, it does not need a tweak so I am perfectly happy with it.

1.40.4 Deputy A.E. Jeune:

Very briefly. I would be grateful if the Deputy in his summing up would explain why he sees it as being relevant to the plan.

The Bailiff:

Does any other Member wish to speak? Then I call upon Deputy Le Fondré to reply.

1.40.5 Deputy J.A.N. Le Fondré:

How long an explanation does one want? Firstly, I thank the Minister for his pragmatic approach, as he says, it does very little harm to the plan. I think the key things were that under policy IM1 it is specifically headed up: "To plan, monitor and manage" and one of the submissions by the inspectors for not accepting at the time was that it considered this to be a matter of management, if you like. What I will say, it is difficult because there are some things that do not fit entirely happily in there, but it is the most obvious place to put it in the terms of where we have the ability or wish to try and emphasise a certain process, or whatever, that we would like followed. The thing here, and I can only go back to past experiences, which I have no intention of dwelling upon ... sorry, I was basically assuming I was going to do a very quick summing up and this has slightly thrown me. What happens if individuals are involved in a particular scheme for a very long time from the very first identification of site all the way through to bringing it through the Island Plan to perhaps then advising developers on dealing with the site, on giving them advice, on possibly application advice, and then assessing the actual application, potentially assessing the objections that parishioners, or whoever, might raise on that site. The point about that is in the world that we now live in today, it is called the "self-review threat" and it is about being seen to be independent, it is not an aspersion about the independence of individuals, it is about how to object, for example, to a scheme and know or feel comfortable ...

The Bailiff:

Deputy, if I may, I think the only queries raised by Members were was this a planning matter or could it be a procedural matter. I do not think anyone was ...

Deputy J.A.N. Le Fondré:

Well, she is asking why it is to go in there. It is a matter of both, Sir, and this is the best place I could find to put it in, particularly in relation to bullet point 2 under policy IM1 which talks about: "Potential action to bring forward sites for development wherever possible in partnership with landowners and developers." In that instance to me it is very crucial that one is seen to be being independent on there, and that is why those processes that I have identified, I felt, needed to be emphasised in how we carry on matters.

The Bailiff:

Very well. All those in favour of adopting the amendment kindly show? Those against? The amendment is adopted.

1.41 Island Plan 2011: approval (P.48/2011): twenty-sixth amendment (P.48/2011 Amd.(26))

The Bailiff:

We then come to the 26th amendment lodged by Senator Ferguson and, Minister, will you be accepting this one?

Senator F.E. Cohen:

Regrettably, despite my growing affection for the Senator [Laughter] I have to oppose this amendment.

The Bailiff:

Very well. Then I invite Senator Ferguson to propose the amendment.

1.41.1 Senator S.C. Ferguson:

In actual fact, I am not going to speak very long and, if the other 2 protagonists on this particular subject limit themselves to the same length of speech, I reckon we can finish the Island Plan today. Lord Monckton usually begins his lectures with the words: "Do not believe anything I say." For anyone in politics, that is a brave move but, on the other hand, the psychology is absolutely correct; do not believe anything I say, go and look at the evidence for yourselves. I did raise my objections to the over-generous use of the term "climate change and low carbon" in the original draft of this plan. At the time the inspector explained his stance of not ruling on it by stating that: "It was left in as the precautionary principle." Now, the precautionary principle has been defined as: "A rewriting of the rules of science." Without the precautionary principle one has to say: "The evidence shows", with the precautionary principle, you can say: "The evidence could lead us to believe" in simple terms for the Connétables' benches, and perhaps others, there is a reasonable chance that the Earth will be hit by an asteroid some time in the future. Under the precautionary principle, I will ask to take out travel insurance that includes the risk that I will be struck by an asteroid while on the Gatwick Express; you may hope for it, but I do not think it is going to happen. I am advised that ...

The Bailiff:

One moment, Senator, I am advised that the Assembly is once again not quorate. The usher will ask to summon Members back. Thank you, Senator, we will wait 2 more moments.

Senator S.C. Ferguson:

I am, however, somewhat disturbed by the underlying conflict of interest. In mid-2010, the Town and Country Planners' Association sent a letter to the Secretary of State saying: "Planning is a vital tool in developing on the Government's ambitions for climate change as set out in the Government's coalition agreement and, in particular, on issues such as flood risk, energy and our future quality of life" and concluded: "We stand ready to help in any way we can to support the Coalition Governments' ambitions on climate." The third signatory on that list was the inspector, so not much chance of an objective hearing then. The use of the terms climate change and low carbon indicates that we subscribe to a particular philosophy. Members should understand that climate change is public relation speak for anthropogenic climate change and low carbon is P.R. (Public Relations) speak for carbon dioxide as a pollutant. That is all I am going to say about the science. In fact, the debate is well beyond the science. As Ottmar Edenhofer says: "We have to free ourselves from the illusion that climate issues are purely environmental policy ones. One thing has become increasingly clear. In the near future climate policy could redistribute the world's wealth." We are debating whether we subscribe to a philosophy which indulges in exceptionally regressive stealth taxes and which intends to enrich a few and impoverish the rest. We should consider the economic implications of stating that we subscribe to that philosophy. The E.U. renewal energy obligations and the other U.K. embellishments of that policy means that the U.K. consumer is facing significant increases in energy costs. There is a fascinating list of policy additions to consumers' bills. By 2020 a third of all electricity bills will be due to environmental charges. But that does not include the fact that as the cheaper coal-fired power stations close, at the

moment it is intended that the slack be taken up by renewable sources and the generated cost of electricity from these is 2 to 3 times the cost of fossil fuel generated electricity before the renewals obligations are factored in. All in all, the analysts in the U.K. are estimating increases of something in the order of £500 a year for the average consumer. Let us consider the feed-in tariffs. These are all substantially greater than the retail price of the electricity generated. But the real consideration is who can afford to adopt these modes of generation. If I have a farm in the country, then it is easy. But what about the bus driver living in a flat in Lambeth, where is he going to put his windmill or his solar panels? Feed-in arrangements are a form of highly regressive taxes. In fact, the informed comment is that V.A.T. (Value Added Tax) for them in the U.K. is mildly progressive, but feed-ins are viciously regressive. What is worse, the lifetime cost of the feed-in tariff scheme is £8.6 billion, while its benefits, including climate change benefits, amount to £420 million. Technically the net present value of that is negative £8.2 billion. The U.K. Government's figures for the revised renewables obligation needed to meet the 2020 targets shows that costs exceed benefits by £33 billion. How will this affect us? Is this relevant? It will increase the cost of everything we import, including food.

[16:30]

We will need to import food. The Island is too small to be comfortably self-sufficient. At the moment we are insulated from these energy charges as we import power from France, which is mainly nuclear and hydro. But for how long? The only bright light in the tunnel is that the French seem reluctant to sign up to the whole enchilada of the E.U. policy on renewables, which is understandable given that in 2007 the European Investment Bank calculated that it would cost 1.1 trillion euros over the next 14 years to implement the renewable energy roadmap, bearing in mind that the E.U. budget was then 100 billion euros. When asked who would pay for it, the Chancellor of Germany said: "I honestly do not know." What is the practical viability of renewables? The U.K. is putting its faith in wind turbines to allow it to meet its E.U. obligations. Apart from the fact that wind power is highly unreliable, it is also extremely expensive. It is an ancient technology. We gave it up as soon as more reliable forms of energy arrived. Here we are trying to put new wine into old bottle again. In periods of very cold winter weather there is not any wind. I think the problem with wind turbines can be summed up with this, from the *Institution of Electrical Engineers and Technicians* magazine, it was an entry in the competition for updated Christmas carols: See amid the winter snow, the thermometer is 5 below. With no power it is such a pain, blasted windmill's stopped again." That is poetic licence, Sir. If we move on; in a report of President Jimmy Carter's energy policies, Ball, Tabors and Bell concluded: "The experience of the 1970s and 1980s taught us that if a technology is commercially viable then Government support is not needed. If a technology is not commercially viable no amount of Government support can make it so." The problem is that the renewables only survive because of the subsidy element. Is this really a sensible policy to be subscribing to at this point in time? Because this is what the Island Plan is implying. The argument is made that there will be a shortage of fossil fuels. The chairman of Shell said recently that there were some 250 years' supply of gas reserves proven. That should outlast even me. There are also considerable reserves of oil, even if the scientists cannot agree on how oil is formed; and coal. In fact, even Israel now has somewhere between 250 and 500 billion barrels of oil in reserves, bringing it into the Saudi Arabian league. Sadly, it means there will be no more jokes about how Moses should have turned right instead of left. Think about it. But all this is quite sufficient to tide us over while the market finds better and brighter ways to produce new sources of energy and without enormous Government subsidies and more importantly without centralised control by Government. The oil is essential for transportation until alternative propulsion methods are developed. Electricity sounds good for cars. However, we have some 100,000 cars in the Island. Can you imagine the effect on the local grid if all these plug in overnight? Recently the BBC proudly showed us in January how its reporter was able to drive an electric Mini from London to Edinburgh in a mere 4 days, with 9 stops of up to 10 hours to

recharge the batteries with electricity from fossil fuels. What the BBC omitted to tell us was that in the 1830s a stage coach was able to make the same journey in half the time with 2 days and nights of continuous driving. This did require 50 stops to change horses, but each of these took only 2 minutes, giving a total stopping time of just over an hour and a half. Yes, I agree the electric concept is good. After all I am, among other things and in a previous life, an electrical engineer. But it is not yet commercially viable. The stealth taxes implicit in the prices of fuel and transportation are significant. The airlines are wise to this and part of the booking process is to ensure that we know the amount of tax implicit in the ticket price. But it is due to get worse. Next year all airlines flying into and within Europe will have to abide by the E.U.'s Emissions Trading Scheme. As a result, passengers will be subject to the costs of both the E.T.S. (Emissions Trading Scheme) and Aviation Tax. They will effectively be paying double taxation. Even more controversial is the inclusion of carriers from non-Member State airlines. China and the United States have made it clear that they regard the inclusion of non-E.U. airlines in the E.T.S. without their consent as illegal. Both countries have threatened to retaliate with trade sanctions if the E.U. to makes any attempt to force foreign airlines to comply with its E.T.S. In fact, China has already cancelled contracts for the Airbus 380. Why? Because of the philosophy underlying the terms climate change and low carbon. Living on an Island we need good affordable transportation. The one resource that is never factored into any of these discussions is the one Julian Simon, the economist, thought was the most important. Simon's central premise was that people are the ultimate resource. Human beings are not just more mouths to feed, but are productive and inventive minds that help find creative solutions to man's problems, leaving us better off in the long run. As the world bankers found in a recent paper: this paper finds new empirical evidence supporting the idea that economic freedom and civil and political liberties are the root causes of why some countries achieve and sustain better economic outcomes. These results tend to support earlier findings that beyond core functions of Government responsibility, including the protection of liberty itself, the expansion of the state to provide for various entitlements, including so-called economic, social, and cultural rights, may not make people richer in the long run and may even make them poorer." So, do we really need the Government restrictions that the underlying philosophy of climate change and low carbon implies? Now, before anyone says anything about the recent U.N. (United Nations) and I.P.C.C. (Intergovernmental Panel on Climate Change) report on renewables issued recently, there are one or 2 factors to take into account. Due to some genuine investigative journalism, which does still exist surprisingly, it has been ascertained that significant parts of this report, the scenarios in chapter 10, are based on work done by a Greenpeace activist and the European Renewable Energy Council. Now, the European Renewable Energy Council is a trade association of companies - and listen very carefully to this, because I will only say it once - which not only receive money from the E.U., so that it can lobby the E.U. for the policies which the E.U. wants to impose. I will not repeat it. Think about it. But it is also writing the policies for the E.U. It is working hand in glove with an organisation, Greenpeace, which prides itself on taking no money from business or government. As Adam Smith said: "The proposal of any new law or regulation which comes from businessmen ought always to be listened to with great precaution and ought never to be adopted till after having been long and carefully examined with the most suspicious attention." But this is typical of the organisations involved with the underlying agenda related to the seemingly innocuous use of the terms climate change and low carbon. The collateral damage will be to the food industry. Increased transportation costs will increase food prices, whether from the farmer or from the processor. The world will have to grow more food. It will need both technical input, plus the increase carbon dioxide to achieve the required yields. But the policies implicit in the Island Plan will detract from this. Growing crops for biofuel is a ludicrous policy. 6 per cent of last year's world crops were used for biofuel. We need to feed people not machines. The population is growing significantly. Over the past half century crop yields have improved, partly due to technical innovation and partly due to increased carbon dioxide. Any moves to restrict carbon dioxide imperil our ability to feed the world, as do moves to convert more food into fuel. The inspector mentions food security and regrets it has not been mentioned in the

plan. Is food into fuel good for food security? On the other hand, during the hearings on population by the Corporate Services Panel in 2009, we discussed the parameters of a purely localised food security policy; a self-sufficient Jersey. Provided we all turn vegan, we all turn organic, get rid of Jersey cows and have 25,000 working the land, because there will be no tractors, we can do it. This is another implication of the philosophy of climate change in low carbon. I do not think Julian Simon would have agreed. In his comments on my amendment, the Minister says that we must comply with the terms of the Kyoto Protocol. Well, I have got news for him. The previous executive secretary of the United Nations Framework Convention on Climate Change, Yvo de Boer, said recently on getting a successor to the 1997 Kyoto Protocol: "The spirit of the Kyoto Protocol has disappeared. Its body is being artificially kept alive and perhaps some of the organs may get transplanted. But we have to admit that the Kyoto Protocol is dead." Canada, Russia and Japan have already stated they will take no part and the United States never has done. The E.U. is starting to indicate they might just not take part if India and China do not sign up. The current Kyoto runs out in 2012 and the Island Plan should be running until 2022. So, why are we even discussing something which will be out of date? How do I link all this with women cooking on woodstoves in poorly ventilated huts? The I.P.C.C. consider cooking on wood stoves as a major part of their traditional biomass resource, which is not consistent with trying to improve these conditions. If we disallow coal-fired power stations, a stricture which the Chinese have sensibly ignored, and indulge in large government mitigation projects, financed by the climate change fund, I see very little likelihood of an improvement in the supply of reasonably priced energy to these households. The Indian Government is busy with its space programme, not building infrastructure. Money given to governments gets used in vanity projects and if the climate change fund is managed by the U.N., which is part of its plan, the World Bank is the trustee, but it is an organisation of the U.N. Well, I think most of us remember the problems with the Oil for Food some years ago. This assumes that the U.N. will be able to amass a fund sufficiently large for this largesse. They are planning on spending 100 billion dollars a year. But the cost to the E.U. of the renewables programme is such there will be little spare money from Europe.

[16:45]

Unsurprisingly the largest contributor is intended to be the U.S. The plans arising from Copenhagen and Cancun contain recommendations for not only the climate change fund, but ideas for a world-wide tax payable to the United Nations - now there really would be taxation without representation - and a suggestion for a world council. An idea which the advisers, W.G.B.U. (German Advisory Council for Global Change) for the German government have also recommended. They recommended a Super National Land Use Commission. So, someone in Brussels or even Manhattan can dictate to us where we build affordable homes. But do not believe me; read the paper or listen to the quotes from the chairman of the first Earth Summit: "It is clear that current lifestyles and consumption patterns of the affluent middle class involving high meat intake, consumption of large amounts of frozen and convenience foods, ownership of motor vehicles, golf courses, small electric appliances, home and workplace air conditioning and suburban housing are not sustainable. A shift is necessary towards lifestyles less geared to environmental damaging consumption patterns." The chairman went on to say: "We may get to the point where the only way of saving the world will be for industrialised civilisation to collapse." I am not totally despondent though. **[Laughter]** There is a small company in the U.S. which has just developed a 20 dollar stove which will provide clear cooking and some electricity, partly for mobile phone recharging and partly for light, for the third world, all without government subsidies and handouts. But what all these policies, which we are effectively endorsing, are all driving at is the limitations and rationing of energy. But energy is the basis for our civilisation. Originally Neolithic man had a few sticks to make a fire and we have continued improving on that until we came to the point of the development of electricity and the combustion engine ...

Deputy R.G. Le Hérisier:

I wonder if the speaker would be so kind? I really am struggling to find the relevance in this, because it is rather like connecting... while the anti and the pro arguments are obviously very important and the cause of world peace is very important. I mean trying to attach these to arguments about the Island Plan except in the most general way strike me as unbelievable.

Senator T.J. Le Main:

After that speech I would like to go home. **[Laughter]**

The Bailiff:

Senator, I appreciate that your amendment seriously raises very wide issues.

Senator S.C. Ferguson:

I am just nearly there, Sir.

The Bailiff:

You are nearly there.

Senator S.C. Ferguson:

Yes. I do know that the attention span of this House is not perhaps what it should be. The real problem is that including the terms climate change and low carbon in the Island Plan, the connotations of that are that we are effectively subscribing to a philosophy which will totally undermine our particular civilisation. I mean, I will quote you the national head of a Greenpeace organisation, who apparently said: "I do not need any electric power for my life, because I can burn candles instead of turning on the light while watching television." **[Laughter]** If we leave these terms in the Island Plan this is what we are getting. I have no problem with preserving the environment. I have no problem with insulating our houses, preserving greenfields, preserving fish stocks, agriculture, maintenance on our sea defences; these are all thoroughly sensible actions. I do have a problem when we subliminally subscribe to policies which will annihilate the economy of the West as a reaction to the output of a computer model, which does not even correlate with the empirical evidence. Our local professor of engineering was absolutely correct when he said: "Never has so much certainty been based on so much uncertainty." He said the terms are now so divisive that their inclusion obscures any real impact of a policy, especially scientists who are debating a Maunder Minimum. I maintain that the inclusion of these terms is not appropriate in a policy document of this importance and should be removed.

The Deputy of St. Mary:

Can I ask for a point of clarification, Sir, with the speaker? Firstly, I would like a reference for that astonishing quote from the head of Greenpeace. Where is the reference? I would love to see that written down as a genuine quote. The second thing I wanted clarification for was something I missed in what she said, that the cost exceed the benefits by £33 billion. The costs of what and the benefits of what? Sorry, I missed that. It was quite near the beginning of your speech.

Senator S.C. Ferguson:

I do not have the particular reference to the quote on me, but I am happy to let the Deputy have it. The figures I have used are the U.K. Government figures that have been issued. They are the renewables obligation needed to meet the 2020 targets. The costs will exceed benefits by £33 billion.

The Bailiff:

Is the amendment seconded? **[Seconded]**

1.41.2 Senator P.F.C. Ozouf:

I like Senator Ferguson a lot, but I am really not sure that after 7 days of debate on the Island Plan we are ready to have a debate on the extreme views of climate change, either from the proponents on the one side or the other. Is the Senator really serious that we are going to remove from the Island Plan any reference to aspirations of moving to a carbon neutral, more environmentally friendly economy? Are we going to turn our faces against all of the precautionary evidence that is Government policy of the centralist, centre-left and centre-right parties around the world, in terms of a document? I really ask the Senator whether or not ... and I know there has been one seconder, but there did not seem to be a widespread approval of this ... I hope not anyway. Are we really going to send out a message that we are turning our faces against internationally accepted principles with good university and study in terms of being the prudent approach? We spoke in the H1 debate about a prudent risk-averse approach in relation to a risk. Climate change is not absolutely proven, but the weight of evidence seems to indicate that it is the prudent approach. I do not know, but I have had 7 days of the Island Plan debate and I am not really thinking that the best use of energy or our intellectual resources - what is left of them - are deployed against having a seminal debate on climate change, et cetera. I urge the Senator to really consider whether or not she wants to continue with this debate, **[Approbation]** because I think we are wasting our time. I think that foot stamping says it all.

1.41.3 Connétable G.F. Butcher of St. John:

It was just a quick question, earlier in the day Senator Ferguson called Senator Cohen attractive and I wondered if that was a blatant attempt to gain his support? **[Laughter]**

1.41.4 Deputy P.V.F. Le Claire:

I think Senator Ferguson has every single right to bring to the Assembly concerns that she has in relation to the energy issues that are outlined in the next 10 years. But we have international obligations that we have signed up to a plethora of international agreements on. The energy debate is for another day. Admittedly we have been waiting for a number of years for the energy policy to come forwards from Planning and Environment and we do not know where it is, but I suspect it is not too far away. I do not know, I am just a little bit fearful that we are going to get into a very long protracted debate on climate change and I wonder if it would be an abuse to ask to move to the next item, Sir?

The Bailiff:

No, we cannot move to the next item when we are in the midst of a debate on this.

Senator S.C. Ferguson:

I am very fond of Senator Ozouf but he obviously has not been listening **[Laughter]** and does not understand. Obviously they do not understand it. No, I appreciate that perhaps the time to bring this is when the energy policy is debated. However, I would ask the Members to read their Hansard and go and look at the evidence because the cost is phenomenal. But I will withdraw it, Sir. **[Approbation]**

The Bailiff:

Very well. The debate has opened and therefore you need Members' agreement. Do Members agree to allow Senator Ferguson to ...? Very well, you want the appel on whether the Senator should be allowed to withdraw it? Very well, then the appel is called for so if you wish to allow Senator Ferguson to withdraw this you will vote pour, if you do not you will vote contre. I invite Members to return to their seats and the Greffier will open the voting.

POUR: 31		CONTRE: 1		ABSTAIN: 0
Senator P.F.C. Ozouf		Deputy of St. John		
Senator T.J. Le Main				
Senator B.E. Shenton				

Senator F.E. Cohen				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F. du H. Le Gresley				
Connétable of St. Ouen				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy G.P. Southern (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy P.V.F. Le Claire (H)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

1.42 Island Plan 2011: approval (P.48/2011): second amendment (P.48/2011 Amd.(2))

The Bailiff:

Very well. We come now to the second amendment lodged by the Connétable of Grouville. Minister, what approach are you taking on this one?

Senator F.E. Cohen:

I have thought long and hard about this amendment and I am afraid on balance I cannot support it, simply because this would be the only Category B rezoning in the plan and I do not think it is consistent but I do understand why the Connétable has brought it forward. Thank you.

The Bailiff:

Very well, then I invite the Connétable to propose the second amendment.

1.42.1 The Connétable of Grouville:

I will try not to take up too much of your time; we are getting towards the end of the marathon at the moment. Firstly I would like to draw Members' attention to the map on page 6, which I will explain as I go through, you could perhaps follow it by looking at this map. You will appreciate that the red-hatched area, field 148, is the field that has planning permission for 20 units of over-55 bungalows for a joint Parish/charitable trust development, which will commence shortly. I know there has been a lot of criticism about how long we have taken to get to the starting gate on this but we have had immense problems, as the Constable of St. John will testify, with the vendors of the original site. The result of the planning permission is that Netherlee, which is the house which I am representing, for want of a better word, has in de facto been drawn into the Built-Up Area. The owner asked for this to be ratified by the Planning Department but this was refused on the grounds

listed on pages 4 and 5, which I will try to précis for you. The first objection was to reject the Inspectors' recommendation and to maintain the site in the Green Zone.

[17:00]

I have to say that if you are working on the 2002 Plan, which you should be at this stage, the whole of this area was in fact a Countryside Zone. In fact you will see, if you go to the left-hand edge of the map that these were the development, which you can see next to the red-hatched zone, was not in fact there in 2002 as the planning permission on field 148 was not either. So, it was not ever really Green Zone. The inspectors' recommendation on this is absolutely clear: "It is incongruous to include the back garden of Netherlee within the Green Zone." I took the time to look up the word, "incongruous" in the Oxford English Dictionary and it is defined as: "Out of keeping with, out of place, or absurd." So I think I will stick with absurd. Objection 2 was: "The site does not meet with the Minister's stated objectives of protecting open space." This was never open space. It was always a back garden surrounded by hedges on 3 sides and a house on the other side, and soon to be bordered on the other side by an estate of houses. It is domestic curtilage and it is my contention that this was never open space and now it will be even less so. Objection 3 from the Planning Department was: "To protect from further incremental development and erosion of the countryside." The inspectors' report however says that in view of the extant permission to develop field 148 that they consider the appeal to be well founded. Objection 4, that there is no justification for community need. Not only did the inspectors note that the appeal was well founded but that it was incongruous, i.e. absurd to include the back garden of Netherlee in the Green Zone. Objection 5, that any development will be detrimental to the visual amenities on the edge of Grouville common. Now, if there were to be a development on this small site it would be severely constrained by the size of the site. It is a very small site indeed, a very small garden; there would be no further impact on skylines, views or vistas. If Members would turn to page 6 again, the map shows that the Netherlee site does not in fact border the edge of the common. It does border a field, and you will see that at the bottom where Netherlee comes down to this field, the whole of that field is constrained from development. The common starts on the left, which you will see the slip of land at the bottom of the hatched area, and that apparently is still part of the common but what has happened there is as part of the planning obligation there will be a 5 metre buffer zone installed in there with hedges and various other things to protect the common. Objection 6 from the Planning Department: "The 2002 Island Plan will be challenged." Well the 2002 Island Plan shows this as Countryside Zone and since then it has been built on. The plan has already been challenged by the development in Les Maltières and also by the planning permission on field 148. The whole area has changed and the plan has changed with it. Finally, I would like to make 2 points. One, we are not dealing here with a developer but we are dealing with a Jersey family who have been unfortunate enough to find themselves on the wrong side of a planning decision. The intransigence of the Planning Department, who have consistently ignored the inspectors' recommendations which are, and I will read out the full inspectors' recommendation on this site: "In view of the extant permission of developed field 148, we consider that the objection is well founded. It is incongruous [i.e. absurd] to include the back garden of Netherlee within the Green Zone recommendation." But the Minister amends the plan to include this very small site, the entire curtilage of Netherlee, within the Built-Up Area. The inspectors are engaged by us the States to advise us in areas where we lack expertise and to adjudicate on our behalf. It would be arrogant indeed to ignore their wisdom.

The Greffier of the States (in the Chair):

Is the amendment seconded? [**Seconded**] Senator Cohen.

1.42.2 Senator F.E. Cohen:

This is a very difficult one and, as I have said, I have changed my view a number of times on this. I do understand the position of the owner of the site and I do understand his aspirations but on balance having very carefully considered the matter I feel that I, as Minister for Planning and Environment, could only support such a rezoning if it was to deliver Category A housing. There is not an urgent need for Category B housing. So what I would suggest is that if the Connétable considers that this site is suitable, that he considers withdrawing now and bringing it back as a recommendation at the time that other sites come forward later in the year as a result of the reviews of policy. That is my suggestion because I cannot see how we can just randomly deliver a single Category B site. It does not make logical sense. Thank you.

1.42.3 Senator B.E. Shenton:

I am going to be very brief, Senator Perchard is not here at the moment but last week he was banging away about how we should take into account the view of the independent inspectors. I am a resident of Grouville and I do support the Constable on this simply because the recommendation of the inspectors was that the plan be amended and it does seem to make common sense.

1.42.4 Senator B.I. Le Marquand:

I am sorry; I wanted to ask a question of either the Connétable or the Minister while reserving the right to speak later. The question of either of them is, what about the area, which is above this area? Because there appears to be an area there behind 2 other properties, and it is not clear at all from the plan as to whether that is part of the field or whether the same situation applies in terms of gardens there. I have noticed on the Island map that there appears to be some sort of boundary marked approximately where the red is but not one for the others.

The Connétable of Grouville:

I can answer that. That is part of the field at the bottom of the site. It is part of it, it is one whole field in fact; it is not owned by houses; it is one whole field.

1.42.5 Deputy A.E. Jeune:

Yes, perhaps the Connétable could explain why he is only putting a section of that and not the whole of that sort of Green Zone, which would have made it straight all the way down to the end?

The Greffier of the States (in the Chair):

It is not question time, you can reply, Connétable, at the end when you sum up.

The Connétable of Grouville:

Okay.

1.42.6 The Deputy of St. John:

This whole week the House has been rejecting Category B homes, sorry, Category A homes. This one here, we are asking for it to make an exception and I have got some real concerns because as the Minister has said, if this was to go in the melting pot with the other 3 lots of sites that were mentioned earlier in the day, or was it yesterday I cannot remember which, then we could probably have a level playing field for all of these sites at once. A level playing field is important. I am not sure if it is the owner that is in the gallery that quite a few Members over there keep on looking up for guidance to, but if that is the case and it is the owner, possibly he might nod to his proposer of this amendment and say: "Yes, let us delay it for 9 months or a year and get it sorted out with the other 3 fields or sites we have been speaking about" but to do this one in isolation I do not think I ... Unless the proposer can convince us that this one should be taken in isolation and at the moment what he said has not convinced me. He is going to have some work to do to try and convince me in his summing up that this is the correct way of doing things given what this House has already been putting in place in the last 7 days. So it will be interesting to hear the summing up.

1.42.7 The Deputy of St. Peter:

I have spoken to the Minister on this one and he is happy that I should take my own route on it. There seem to be some misperceptions going on within the Assembly. This particular site is a very small site. It is not a site that would offer up 15, 20, 30 houses. This is a site that was put specifically through the E.i.P. process by an individual and supported by the Constable. I think that is very important to note. It went through the full rigours of that process and at the end of that process the E.i.P. team came up with a very specific response. You have heard that response described as being ludicrous, not their response but the fact that it has been kept in the Green Zone. The difficulty here is in the map that we see it does not show the fact that this site is bounded by hedges. It is very clearly part of the curtilage of the Netherlee property. Furthermore, part of that property is already in the Built-Up Area and, as the E.i.P. team have said, it is absolutely daft not to include the whole lot when next door to it you now have a full site, which has now been built up in the Built-Up Area passed by this Assembly. This does involve an individual, as has been described by the Constable of Grouville, it is supported by him, and I would ask the Assembly to listen very carefully to what has been said. This should not be related to, as the Deputy of St. John suggested, the other main sites for Category A houses. This is not in that situation at all and it was not looked at in that way by the E.i.P. team. They knew exactly what they were looking at and I would ask the Assembly to support the Constable.

1.42.8 The Deputy of St. Mary:

A couple of questions for the proposer. The first is, the bit of green land to the north west of the bit that he is proposing to get us to agree to rezone, if we were to rezone this that would then become itself a very narrow parcel. I thought I heard the proposer say that both the section ringed in red, the garden, and the other bit were Greenfield, but my understanding is that the bit that we are being asked to zone is garden, is domestic curtilage. So that is the first point, to sort of clarify which is what in terms of these green spaces. A further point is that the previous speaker spoke about the inspectors at the E.i.P. have said that they viewed this in a certain way, and the fact is that this Assembly and the Minister have picked and chosen with what the inspectors have said on quite a few occasions so far, and then suddenly it is a really big deal that we agree with the inspectors. Well maybe it is but why was it not a big deal in the other cases? So I am slightly worried by that lack of consistency. If we really were going to go 99 per cent with the inspectors then what is sauce for the goose is sauce for the gander and I find that it does not sit well really. It seems to be like making a special case: "Ah they support this one." The third point is about the P.90 really and the implications of this rezoning for the landowner, and it would be much easier to support this if we knew that the supporter and those who vote for this would also support the fact that some of the uplift in the value, which will be considerable, will come to the public as I think it should. It would be again an unearned windfall, a massive one or certainly substantial, and I would like the proposer's view. Indeed I would like to hear the view of other people who speak from now on about what they think about that uplift and whether they think that it should be captured in some way, and I do suggest in P.90 how it could be captured, whether it should be captured in some way for the public or whether it should all go to the landowner.

1.42.9 Senator T.J. Le Main:

I know the area very, very well and I feel that, as very well highlighted by the Deputy of St. Peter, this site has been so well aired within the department by the inspectors.

[17:15]

It is a very small site and I can understand the Minister saying that this has all been about Category A but the size of the site if it was built on would only take a very small Category B. There is still a need for Category B and Category B, a small Category B; they are selling on the market at the present time roughly the same prices as Category A. There has been no opposition from any of the

residents, none of the neighbours, parishioners and it is being supported by the Connétable and by the Deputy and, as we all know, the Deputy has very strong views on any further development. It is well supported by the Parish, it tidies up and what I believe puts right a wrong in this case. I have no problem with it at all. The remainder of the field is part of fields that I think either belong to the *Tenants* or to the National Trust, so they have got no chance or no opportunity of being developed upon but I believe that in this case this is an exceptional case. I plead with the Minister to have a little bit of compassion and common sense in this one-off situation. As I say it has got the full support of the Connétable, his officers of the Parish, the neighbours and everybody else. I will be supporting this as a complete one-off and I believe there is still a good demand for a small Category B home particularly situated in an area where many people would like to live. So I am going to be giving it my support.

The Deputy of St. Mary:

May I ask the speaker for a point of clarification? Where would he stand on the question of uplift? I did ask him.

The Greffier of the States (in the Chair):

Well, Deputy, that is not clarification, that is simply a matter you would like to know.

Senator F.E. Cohen:

As a point of information, the last speaker, Senator Le Main, has suggested that I lack compassion and I thought I made it very clear that I understood the position of the applicant. It is just from my perspective as Minister it is inconsistent so it would be foolhardy for me to take a different position.

The Greffier of the States (in the Chair):

Thank you, you have made that clear. Constable of St. Ouen.

1.42.10 The Connétable of St. Ouen:

Just one short question really, how is this site accessed? Because it seems to me that you have got to go through the houses in front of it to get to it.

1.42.11 Deputy J.A.N. Le Fondré:

Just very briefly, I appreciate it is very difficult circumstances so I understand, but unhappily inconsistent with voting patterns from the last few days and I am afraid at this stage I cannot support this site. I take the recommendation - I cannot remember who said it - about bringing it back in the next batch as and when.

1.42.12 The Connétable of St. Brelade:

I would concur with the last speaker and add that I think it would be unwise to make this an exception [**Approbation**] on your case so late in the day with only 30-odd Members present.

1.42.13 The Connétable of St. Saviour:

Yes, I know this site well. It is very much domestic curtilage, it has a site now right along side it with, I think, Category A houses. Whether there would be a Category A house or Category B on this site I think is irrelevant, it is now virtually part of the adjacent site. I do not have a problem with a house going on that, and I believe it could be accessed through the garden of the existing house, I believe there is room.

1.42.14 Deputy J.B. Fox:

The proposer could tell me if this site is proposed, this proposed dwelling, is for family use or whether it is for third party sale because I too am minded that we have spent the last 7 days or so

with making determinations on one policy and this goes against the grain, but if there was some family reason for it I would like to hear about it because that might persuade me. If not I would have suggested that it should come back with all the other ones and be done at the same time, which would be much more reasonable.

1.42.15 The Connétable of St. Peter:

I very much would like to support one of my fellow Connétales in moving forward another home opportunity for somebody. However, I really go back to my own propositions in the Parish of St. Peter where I was trying to deliver some Category A first-time buyer homes and I am afraid on the basis of that, where the House was not minded to support that, I find it equally difficult now to support a Category B home, which is not for first-time buyers. I really strongly urge the Connétable of Grouville to consider withdrawing this today rather than lose it and bring it back as suggested by the Minister. I think it will have a far better chance when we are looking at a whole mass of rezonings at some near time in the future. If I can possibly urge him through the Chair, please withdraw it, Constable.

The Greffier of the States (in the Chair):

Connétable, are you minded to withdraw this? No?

The Connétable of Grouville:

I was going to answer some of the questions, Sir, if you do not mind.

1.42.16 Deputy J.A. Hilton of St. Helier:

Just very briefly. Yes, I feel very much the same way as the Connétable of St. Peter on this one. We are not being consistent in this Chamber if we agree this today. I have sympathy with the Constable of Grouville but looking at this, I am trying to work out how many properties are backing on to the other remaining piece of land. It looks to be about one and a half homes, I do not know, maybe the Constable of Grouville can sort of clarify that but essentially what this means is this whole site becomes one large site, which could deliver Category A homes rather than Category B homes. I am curious, maybe the Constable can answer why only this family have requested that the curtilage of their garden goes in the built-up rather than remain in the Green Zone and why their immediate neighbours did not request the same thing. I think we need to be consistent on this one. Thank you.

The Greffier of the States (in the Chair):

I call on the Constable to reply.

1.42.17 The Connétable of Grouville:

I think I ought to clear up some misapprehensions. People are worried about the other piece of land to the right of the Netherlee site, which is outlined in red. That has got nothing to do with Netherlee. It has got nothing to do with any of the houses around it. It is part of a larger field, which you can see underneath that site. I think it is that clear. Is anybody a little bit worried about that because to me it is perfectly obvious? Netherlee is a little garden all on its own and completely separate from anything else. The rest of it is one whole large field with a little bit sticking up at the top. It does not belong to anybody around there; it belongs to the owner of the field. I am not sure who it is, the *Tenants* I know own next door, whether they own that one as well I am not quite sure. Anyway, if I could just answer a couple of questions, I would like to thank the Deputy of St. Peter for his backing. The Deputy of St. Mary, it is a garden, there is no doubt about the fact that it is a garden, hidden by shrubs, bushes as I described originally. When you come down to the uplift or whatever, this will happily be compensated slightly by the fact that they are having an estate built next door so the devaluation of the original property is going to be pretty big, so I am not sure there is going to be any uplift at all. I think it is more of a protective measure than a money-making measure. We are not talking developers here; we are talking about a family home with a garden;

that is all. The Constable of St. Ouen wanted to know about the access; well access will be down through the other side of the existing house. The Constable of St. Saviour wanted access as well. The Minister is embarrassed by this because he told me earlier on he was going to support it. I am very sorry that he did not because I think I might have had more chance of getting it through. However, I have to say that the Minister on his travels around comes to see the Comité des Connétables from time to time and some time ago, perhaps it was 6 months ago, he came to us and said: “Please keep your eye out for any small sites where we can develop a house or houses so that we do not have to build these large estates.” So I will just leave it at that. The other thing is the Green Zone seems to come into this. This was not Green Zone, this was all Countryside Zone in the 2002 plan but the 2002 plan obviously has changed since then but just remember we were talking all Countryside Zone here, not Green Zone. That is a very emotive word, the “Green Zone” word so I would just like to get that off the agenda. However having heard all the arguments for and against I am inclined to withdraw the site, Sir, and will bring it back at the next available opportunity.

The Greffier of the States (in the Chair):

At this stage, Connétable, it is a matter for the Assembly whether they are willing to grant you leave to withdraw or whether they wish to vote on the matter substantively. Do you propose that you wish to seek leave to withdraw? Do you wish to put that to the appel? Very well, the Connétable seeks leave to withdraw.

The Connétable of Grouville:

I ask for the appel then now please.

The Greffier of the States (in the Chair):

The appel is called for and if Members are in their seats, I will ask the Greffier to open the voting.

POUR: 34		CONTRE: 2		ABSTAIN: 0
Senator T.J. Le Main		Senator P.F.C. Ozouf		
Senator B.E. Shenton		Deputy of St. John		
Senator F.E. Cohen				
Senator S.C. Ferguson				
Senator A.J.H. Maclean				
Senator B.I. Le Marquand				
Senator F.du H. Le Gresley				
Connétable of St. Ouen				
Connétable of St. Helier				
Connétable of Grouville				
Connétable of St. Brelade				
Connétable of St. John				
Connétable of St. Saviour				
Connétable of St. Peter				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy R.G. Le Hérisier (S)				
Deputy J.B. Fox (H)				
Deputy of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy P.V.F. Le Claire (H)				
Deputy J.A.N. Le Fondré (L)				
Deputy S.S.P.A. Power (B)				
Deputy S. Pitman (H)				
Deputy K.C. Lewis (S)				

Deputy M. Tadier (B)				
Deputy A.E. Jeune (B)				
Deputy of St. Mary				
Deputy E.J. Noel (L)				
Deputy T.A. Vallois (S)				
Deputy A.K.F. Green (H)				
Deputy D.J. De Sousa (H)				
Deputy J.M. Maçon (S)				

Deputy P.V.F. Le Claire:

Is it possible perhaps, I know the chairman of P.P.C. (Privileges and Procedures) is not here today but the Bailiff has issued 2 clear pieces of guidance it seems this afternoon. One is for Members to check the numbers before they leave the Assembly making us inquorate, and the other is that there is a financial cost for the appel, which has been raised and appels that are not necessary incur significant costs to the States Assembly. I think it might be useful if P.P.C. were to review Hansard and circulate the Bailiff's advice in that regard.

The Greffier of the States (in the Chair):

Yes, very well.

The Deputy of St. John:

I sincerely hope the previous speaker was not indicating that myself and Senator Ozouf should not have our appel recorded, Sir, because as far as I was concerned it was important, the way I voted.

1.43 Island Plan 2011: approval (P.48/2011): eleventh amendment (P.48/2011 Amd.(11))

The Greffier of the States (in the Chair):

It is perfectly clear I think, Deputy, I think the Bailiff made the remark just to pass on the information. I think he also stressed that it was absolutely for Members if they wished to call for the appel, to do that. I think there are occasions where it is more of a roll call and I think that perhaps is what the Bailiff was trying to draw attention to. Now, the 7th amendment of the Constable of St. Martin was of course dealt with last week and so we come to the 11th amendment. This is being proposed in Deputy Gorst's absence by Deputy Le Fondré. Minister, is this one you are accepting?

Senator F.E. Cohen:

On condition that Deputy Le Fondré makes it quick.

1.43.1 Deputy J.A.N. Le Fondré:

I will be as quick as I can. What I was going to say is this is a prime example when you can get the same answer from 2 accountants looking at the same piece of work on different days because when I raised an amendment I was told that Deputy Gorst had already queried it. All this does is firm up on the boundary, the blue line that designates the Built-Up Area in certain locations, because in St. Clement on the fields named in the proposition, in St. Helier on 2 fields, in St. Lawrence on a number of fields and in St. Saviour on a number of fields, the blue line was not there and what this does is effectively re-designate it. So it clarifies it, it does not rezone in any shape or form, it clarifies the delineation between Built-Up Area and what is going to become the Green Zone. The Minister is supporting the amendment; I shall stop there, I hope that was quick enough.

The Greffier of the States (in the Chair):

Is the amendment seconded? **[Seconded]** Now, Deputy Le Claire, you did have an amendment for this, which I understand related to the Samarès Nursery field?

Deputy P.V.F. Le Claire:

I did, Sir, and I have submitted my amendment in good faith and I thought that I would be able to debate the issue that it should not be taken out of this equation because in doing so it is basically saying: “There is more provision for non-consideration of Samarès” and I think ...

The Greffier of the States (in the Chair):

I think, Deputy, from the Chair I can tell you, you are perfectly entitled if you wish to proceed, it is perfectly in order to.

Deputy P.V.F. Le Claire:

Yes, Sir, I would like to very briefly. If the Minister wishes to accept it, I will just say: “I propose it” and sit down.

1.44 Island Plan 2011: approval (P.48/2011): eleventh amendment (P.48/2011 Amd.(11)) - amendment (P.48/2011 Amd.(11)Amd.)

The Greffier of the States (in the Chair):

Very well, I will ask the Greffier to read your amendment.

The Deputy Greffier of the States:

On page 2, paragraph a, delete Fields 21A, 38, 38A, 39 and 59A.

Deputy P.V.F. Le Claire:

Is the Minister minded to accept my proposals?

Senator F.E. Cohen:

I am afraid I do not believe I am able to accept that proposal. It would be inconsistent with the approach that I have maintained throughout the Island Plan debate.

The Greffier of the States (in the Chair):

Very well, I invite you to propose the amendment, Deputy.

1.44.1 Deputy P.V.F. Le Claire:

I think it is inconsistent. I think that what was said in the debate that was occurring in Samarès was that there were financial considerations and uplift values that had not been brought in, and also a consideration about whether or not Samarès could deliver the affordable homes. I am certain that there were some Members that would have supported me in Samarès that did not support me because of those reasons. In fact the Minister then brought an amendment this morning to withdraw the whole section based upon that premise, to say: “No, we need to go away and rethink this. We need to think about this in the round and bring it back.”

[17:30]

I think what the Minister is saying now is basically: “Yes, well we honestly do want to go away and think of it in the round but we do not want to honestly go away and think of it in the round with yours included.” I think that by just adding more levels of protection on, is basically in my view giving me a clear steer that any old argument will do on the day.

Deputy E.J. Noel of St. Lawrence:

Will the Deputy give way? Just a point of clarification, Sir, in our notes from the Greffe it says that if amendment 12 falls then this amendment to the amendment 11 falls as well.

The Greffier of the States (in the Chair):

Well I think that note is not strictly entirely ... It was anticipated that may happen but I think, Deputy Le Claire, we cannot re-open the issue on rezoning the Samarès Nursery after it being rejected, but Deputy Le Claire I think is perfectly entitled to seek to keep these fields in a Built-Up Area rather than moving them to the Green Zone, which would happen under Deputy Gorst's principal amendment.

Deputy P.V.F. Le Claire:

Consistency, I have been asking for consistency. I have not been finding any. As I said, my amendment for Samarès, which was supported by the Minister for Housing as strongly needed and many, many Members including the Minister for Treasury and Resources, who thought that it was the right site for housing regardless of the opposition. There was a clear indication from Members that the trigger mechanism would incur if we were not able to deliver on States-owned sites and those sites that were going to come back were, as identified by the Minister himself, the sites outlined by the independent inspector in Samarès, which has now been provided for, was one of those. I think it is not wrong for me to mention the fact that the Deputy of St. Clement, whose proposition this is, who is not here today, had an amendment in, I think that has been withdrawn, to supply a football field in St. Clement but that was going to be developed on the back of 15 Category A and 15 Category B houses. Consistency is a very difficult thing to find in this Assembly but I am going to remain consistent. I would like to ask Members to consider these words that were used in 2008 when we rezoned those sites. Maybe now is a good time for me to start reading out all the hardship cases I have got. I might do that. Here is from the Attorney General in Mr. W.J. Bailhache Q.C. (Queens Counsel), comments of the Attorney General on 16th July. I will not read all of this but this was one of the key drivers behind the policy being pulled, the lack of certainty in relation to what was going to get built and the concern about the uplift value, and that was raised preceding the Attorney General's speech by the Constable of St. John. The Attorney General said: "It may be appropriate nonetheless to say to Members that it seems to me that what we are concerned with today is a proposition based on planning principles and Members should be very keen to distance themselves from anything which involves economic considerations or particular developers." That was in 2008 those 11 fields in those other 8 Parishes. We went on and as I said, I might introduce the need; I think I will, in relation to Hansard, and the hardship at this stage.

The Greffier of the States (in the Chair):

Well, try to stick to the fields and their designations, Deputy. We are not designating for housing ...

Deputy P.V.F. Le Claire:

No. Okay, Sir. I think that by removing this, by adding this additional burden you are basically adding another level of regulation that excludes or puts further ... I will give way to Senator Ozouf if you want. He does not want to.

The Greffier of the States (in the Chair):

I think they both wish to speak when you ...

Deputy P.V.F. Le Claire:

I think it adds a burden. I will not go to hardship here, I will save it for the main debate then. Senator Ozouf quite rightly pointed out, and I did say yesterday I think it was, that we should take more cognisance of what he says because when you read it back it does make an awful lot of sense. He spoke about the growing need for people in society and the housing need and he also said this: "Those traditional debates about rezoning in July have resulted in the months and years

afterwards”, and it is years, in some difficult debates following. It is important that this Assembly understands what it is deciding upon and what the decisions that are capable of being retained by this Assembly and what is effectively the legal responsibility of the Planning Applications Panel and the Minister for Planning and Environment. I have to say that I have some degree of concern over the mismatch between the planning law in what Members are saying, demanding of the Minister for Planning and Environment, and what is a reality of what Planning can propose and promise today. There have been some comments, I think some well intentioned but some concerning comments about financial considerations. There are some difficult issues. I am afraid the financial considerations in site collection are not relevant to planning decisions and Members must discount that to a great extent. As I said previously, the demand comes first and then comes the supply.” Then he goes on to agree with other Members. I think that reads extremely well. Senator Ozouf delivers incredibly well made and rounded speeches from a basis of experience. Now, I may be called a sycophant, and I looked that up in a dictionary, well it was provided to me by the person who called me it, and I looked underneath 3 words or so and it was, symbiosis was there and I ticked that one and sent it back to him so: “Mutually beneficial, living within the same environment as another.” I would say that while we need to have recognition of the environment we need to also recognise, as was pointed out by Senator Ferguson in one of the quotes she read, and she encouraged us to go back to Hansard, that the most important consideration is mankind. Some people have in previous debates and previous consultations dragged out my past relations, my cousin who is a former Environment Director for the States of Jersey, and asked me to have cognisance of his life, and how could I be doing this if I was to follow him and other people. I said: “Well, him and the other person that was mentioned, why do you not go and dig up my mother at the same time?” They all had the same thing in common, the love of humanity was first and foremost in the minds of these people and the environment came second. I am saying, for consistency if Members were really, really about providing affordable homes but were just concerned about the financial consequences and only just concerned about the delivery of those affordable homes, then they cannot in all cognisance ... I wish I could remember the word that the Constable of Grouville, “congruous”, it is incongruous, I have remembered it. It is incongruous of this Assembly I would say, to add more protection and higher levels of protection around this site when every single Member knows that it is the best site and it is the one that the housing officers want and it is the one the Minister for Housing wants, and the previous Ministers for Housing. I just do not think we are going to be able to deliver anywhere near the amount of affordable homes. I will leave the hardship; I have got 4 hardship cases to talk about in the main debate so that is that, I am not going to sum up at great length at all. It will be a 2 second job. You have heard what I have got to say. If you want consistency, the consistency is this, let us be honest, we did not rezone Samarès because we did not think the safeguards were in place. That was the story I was hearing quite loud and clear. If you support this what you are telling me is what you were saying before does not hold water.

Deputy J.A.N. Le Fondré:

Sir, can I seek a point of clarification from yourself?

The Greffier of the States (in the Chair):

Yes.

Deputy J.A.N. Le Fondré:

Only because you frightened me slightly in one statement you said. My interpretation is, because as I said I raised the issue with my St. Lawrence hat on as it were and I know Deputy Gorst raised it 2 days before with the department, as far as I am concerned, and I am looking at the ... possibly the best example is, I do not know if you have the proposition in front of you, Sir?

The Greffier of the States (in the Chair):

I do.

Deputy J.A.N. Le Fondré:

Right, is on page 4, which for example gives the map of Samarès on it. On there it shows a big area outlined in red, and what one can see to the right are some blue lines, which in my understanding is the delineation of the Built-Up Area. The difficulty there is that obviously the area that has been outlined in red on the map is Green Zone but the suspicion was, and there are some other areas as well, that what was the implication of not having that blue delineation around that Green Zone? So all Deputy Gorst was doing, and as I say I had raised a similar issue so I was very supportive of what he was doing and he helpfully included St. Lawrence in his proposition, and I do not think he spoke to other Members, but he has obviously included some other Parishes as well, is to emphasise that it is Green Zone. If those matters come back to the States at some point as has been discussed, then that comes back and that is a rezoning proposition. So what I was asking for, Sir, what I asked you, or sorry what you appeared to imply is that this was already in the Built-Up Area. All I am saying is, on the map it is already Green Zone. This is just putting a blue line round it.

The Greffier of the States (in the Chair):

But is the map not what Deputy Gorst is seeking to ...

Deputy J.A.N. Le Fondré:

But that map is consistent with those in the main map.

The Greffier of the States (in the Chair):

Well, I do not know if the Minister can assist but all I can do is read the proposition, which says: "The following land parcels, which are currently in the Built-Up Area should be excluded from it." So, Deputy Gorst's proposition is either right or wrong. Can you assist, Minister?

Senator F.E. Cohen.

Yes, Sir, I think the effect in relation to Deputy Le Claire's amendment is somewhat dangerous. I have just been out to get some officer advice and it is unclear whether the effect of this would be to put the particular fields in the Green Zone or in the Built-Up Area. At the moment we have not got a clear view. One could argue it both ways and the reason for that is we were expecting Deputy Le Claire to withdraw. I would urge Deputy Le Claire to withdraw this and he will have his chance in relation to the Samarès site at a later time and he can propose it then.

The Greffier of the States (in the Chair):

Minister, the query at the moment is from Deputy Le Fondré, and there does seem to be some confusion; is what... if I follow your logic and I am struggling to follow it, what is the purpose of Deputy Gorst's own proposition if he is saying that certain parcels of land ...

Senator F.E. Cohen:

Because Deputy Gorst's proposition is quite specific, that refers to the Built-Up Area. In relation to Deputy Le Claire, the areas are presently coloured as Green Zone. I have just been handed a note: "The sites within the Green Zone; if the Built-Up Area boundary is clarified in some places and not in others it would create inconsistency in the cartography and may lead to a risk of legal challenge because Samarès is treated differently from land adjacent."

Deputy P.V.F. Le Claire:

My understanding is that the Green Zone that has been drawn on the amendment, and all of the Green Zones, that this is the subtle argument that has been going on all this time, is that these sites are in the Green Zone. In effect, until we have agreed this proposition nothing is in the Green Zone. It was in the Built-Up Area previously, as far as I can understand, and that is my information. It is not in the Green Zone yet. It will not be in the Green Zone until we approve the

Plan. In fact with H1 and H3 pulled and the housing section completely in disarray all I can say is I see this being another level towards resistance of developing this site and I took it, now Members can ... if they do not want the site, fine but I took it that Members were saying they did not want the site because they could not guarantee it would deliver affordable homes. It is a matter for Members, Sir, I am not going to start shouting; I am trying to calm down.

The Greffier of the States (in the Chair):

There does appear to be some confusion from what the Minister is saying and what Deputy Le Fondré has raised. Deputy Gorst has lodged, and this comes back I think initially to the proposition that Deputy Gorst has lodged, which presumably, Minister, has some effect in relation to this long list of fields and sites, which he and Deputy Le Claire simply want to remove some from the list. I am struggling to see what the problem is myself.

Senator F.E. Cohen:

The problem is we have different colours, Sir, greens in Built-Up Areas.

The Greffier of the States (in the Chair):

But if I could ask you, Minister, if Deputy Gorst's proposition were not here what would be the position with these sites?

Senator P.F.C. Ozouf:

I may attempt to assist, Sir? If I may and having been through as you may have done, Sir, a number of debates on the Island Plan, I will not speak, I will just speak now if I may on the main proposition.

Deputy A.E. Jeune:

Excuse me, Sir, but Deputy Duhamel has been wanting to speak for a while.

The Greffier of the States (in the Chair):

Well, Deputy, I am not calling anybody to speak for now. We are trying to clarify ...

1.44.2 Senator P.F.C. Ozouf:

The issue is there is a blue line, which delineates the line between the Built-Up Area and the Green Zone. Deputy Gorst is taking a precautionary approach and making sure that for the avoidance of any doubt there is a line between the Built-Up Area and the Green Zone. There is a further confusing issue, that unfortunately Category A housing and H1s are within themselves in the Built-Up Area. The risk is that if this is not absolutely described as being Green Zone currently, even though we can come back, we may unwittingly put a ... We have just had a debate on the Constable of Grouville's amendment and that was moving the blue line outwards into Category B. The risk is greater if Deputy Le Claire's amendment is successful; then there is a doubt in relation to the potential extension of the Built-Up Area, which is not even Category A. That is the problem, and it is a precautionary approach based upon the experience that I understand about the importance of lines. I would draw Members' attention to the fact that we have already had an inner road site of which the line went the wrong way. The line went but the colouring went somewhere different and I recall that being a subject of a debate in the States, of needing to be clarified.

[17:45]

The Deputy of St. Mary:

I would like to hear from the Assistant Minister trying to clarify the status of the original amendment.

1.44.3 Deputy R.C. Duhamel:

There are a number of old games that are on the market that have been played for thousands of years and 2 of them are similar to the proposals that are coming forward today. They are called Go and Reversing and in both of those games the idea of the game is to encircle a particular space, and if you encircle a particular space you can take your pieces off the board and claim them for yourselves. In exactly the same way this is the game that is appearing to be played or could be played potentially with the zoning that has been designated on the maps. By designating an area inside the blue lines to be a Built-Up Area because development has encircled a substantial green space, it might be claimed that that has devalued that green space to such a level that it should be considered, because it sits inside the Built-Up Area, as itself a Built-up Area. The amendment from Deputy Gorst is to try and cut us off at the pass, so to speak, to ensure that if those spaces, which will crop up from time to time, are of such a size as to be considered important open green spaces in their own right. Then in actual fact they should be considered in that way first before they are brought to this House to be rezoned for further building purposes. As a final comment, one should realise that the area in question I think is of the order of some, it looks like 200 acres, which would supply at the same densities as was being mentioned previously, if you multiply by 10 and 15, will supply between 1,000 and 1,500 units. So in those terms for the Samarès and the stray green areas they are significant green open spaces in their own right. If indeed as Deputy Le Claire is arguing, it is right that the Category A rezoning part of the site that was discussed earlier in the week is to come back to this House, it is only fair that it should be done so in the light of wanting to rezone the whole of this green space as a new space to be built on within an encircled green space area. If the Members look at the other maps you have got exactly the same situations. It is large open green spaces, which are not protected individually as green open spaces necessarily inside encircling Built-Up Areas and because we have at least 4 large examples here, I think if we looked on the map we would probably find a whole lot more, it is absolutely vital in my mind that we do support Deputy Gorst for the time being.

The Greffier of the States (in the Chair):

We are on Deputy Le Claire at the moment, Deputy.

Deputy R.C. Duhamel:

Okay, it is absolutely certain in my mind that we do not support Deputy Le Claire in deleting these sites, and we do things in a proper ordered fashion. As I said earlier, it does not necessarily mean that these fields will not come back on a holistic basis to be considered for rezoning but they may well do and we can attend those discussions in proper way. This is a back door method, which is not satisfactory in applying the same measures across all 4 sites. Deputy Le Claire's amendment only seeks to set aside for a different designation those areas that are within the St. Clement area. I think if Members are wanting to act consistently we should really be trying to support policies that can be applied across a whole range of similar situations rather than just picking them off one by one and perhaps treating them in different fashions. So I think we must be consistent, as Deputy Le Claire would want us to be, reject his amendment.

1.44.4 Senator B.I. Le Marquand:

I have been waiting patiently to try to clarify this because I did spend some time, because I love maps, earlier on in the session looking at this in detail. What has happened here is that in general the outline of the outside of the Built Up Zone is external to it. Here we have got a number of parcels of land, which are surrounded by Built-Up Zone and there has been an admission in terms of marking the outline of that where it is internal, and that is the problem. What has happened here is simply this, that Deputy Gorst has spotted this and being concerned that there might be an ambiguity because on the one hand although these are very clearly marked as being Green Zone because they are coloured in green, there is a failure to mark the blue line around them internally. One can see this very clearly from the proposition. Now, it is going to slightly confuse the issue because by referring to these areas as being in the Built-Up Area, they are not in the Built-Up Area

even under the plan because they are green, they are in the Green Zone. So this a belt and braces approach to make it absolutely clear that they are in the Green Zone to avoid any possible future ambiguity. It is as simple as that. I would urge Deputy Le Claire to withdraw his amendment because frankly we have already had this debate and we do not want to have it again, **[Approbation]** with the greatest respect to him. By proposing this he would create a complete and utter muddle in relation to the thing. You cannot, with respect to Deputy Le Claire, have the same debate again; it is not on. I hope that has clarified matters, Sir.

The Greffier of the States (in the Chair):

Thank you, Senator; it has clarified matters. If I can say, it does appear that the amendment of Deputy Gorst is effectively defective but I think we will have to accept it on that basis. I think it is why the confusion has arisen. Deputy Vallois.

1.44.5 Deputy T.A. Vallois of St. Saviour:

I think it is worth just noting that Policy H6 defines about the housing development within the Built-Up Area and it states: “The proposals for new dwellings, extensions or alterations to existing dwellings or changes to use to residential will be permitted within the boundary of the Built-Up Area as defined on the Island’s proposals map provided that the proposal is in accordance with the required standards for housing as established and adopted.” So there is high risk with agreeing to this amendment and it is a good thing that Deputy Gorst brought the amendment in the first place to the Island Plan.

Deputy P.V.F. Le Claire:

Could you ask the Attorney General to come? Because obviously if we are not going to ... I have got information that is contrary to what I have been told and I would also like clarification.

The Greffier of the States (in the Chair):

I think we can ask in the morning.

Senator B.E. Shenton:

Can I propose the adjournment please, Sir?

The Greffier of the States (in the Chair):

Clearly we are not going to finish the Island Plan this evening. It may be more convenient to ...

Deputy P.V.F. Le Claire:

Could you clarify why you said it was defective, Sir?

The Greffier of the States (in the Chair):

Well, simply because it says they are in the Built-Up Area but Senator Le Marquand has said they are not in the Built-Up Area they are in the Green Zone.

Deputy P.V.F. Le Claire:

Well, with a mind to try to keep Members onside with the provision of affordable homes in the long term I just have ... I am not a planning expert but I have information ...

The Greffier of the States (in the Chair):

What is the point? You cannot just speak; we are in the middle of a debate, Deputy.

Deputy P.V.F. Le Claire:

Well, I am asking maybe that rather than going on for hours we get the opinion of the Attorney General. We could possibly adjourn but the only reason I am not withdrawing it is because I have information that gives me a different picture, that tells me it is in the ...

The Greffier of the States (in the Chair):

Deputy, you cannot make another speech at this stage. You have asked the Attorney to come, the adjournment is proposed.

Senator B.E. Shenton:

I am asking for the adjournment because quite frankly we do not know what we are doing at the moment and I think it would be better to start again in the morning.

The Greffier of the States (in the Chair):

Very well, the adjournment is proposed, the Assembly will re-convene at 9.00 a.m. tomorrow morning.

ADJOURNMENT

[17:53]